

REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Office of Consumer Credit Commissioner

Title 7, Part 5

On behalf of the Finance Commission of Texas (commission), the Office of Consumer Credit Commissioner files this notice of intention to review and consider for readoption, revision, or repeal, Texas Administrative Code, Title 7, Part 5, Chapter 85, Subchapter B, concerning Rules for Crafted Precious Metal Dealers.

This rule review will be conducted pursuant to Texas Government Code, §2001.039. The commission will accept written comments received on or before the 30th day after the date this notice is published in the *Texas Register* as to whether the reasons for adopting these rules continue to exist.

The Office of Consumer Credit Commissioner, which administers these rules, believes that the reasons for adopting the rules contained in this subchapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Matthew Nance, General Counsel, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705, or by email to rule.comments@occc.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules Section of the *Texas Register* and will be open for an additional public comment period prior to final adoption or repeal by the commission.

TRD-202303555

Matthew Nance

General Counsel

Office of Consumer Credit Commissioner

Filed: September 27, 2023



Texas Education Agency

Title 19, Part 2

The State Board of Education (SBOE) proposes the review of 19 Texas Administrative Code (TAC) Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, pursuant to the Texas Government Code, §2001.039. The rules being reviewed by the SBOE in 19 TAC Chapter 33 relate to investments and are organized under the following subchapters: Subchapter A, State Board of Education Rules, and Subchapter B, Texas Permanent School Fund Corporation Rules.

As required by the Texas Government Code, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 33, Subchapters A and B, continue to exist.

The public comment period on the review begins October 6, 2023, and ends at 5:00 p.m. on November 10, 2023. A form for submitting public comments on the proposed rule review is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_\(TAC\)/State_Board_of_Education_Rule_Review](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBOE_Rules_(TAC)/State_Board_of_Education_Rule_Review). The SBOE will take registered oral and written comments on the review at the appropriate committee meeting in November 2023 in accordance with the SBOE board operating policies and procedures.

TRD-202303556

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: September 27, 2023



Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of Texas Department of State Health Services (DSHS), proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 49, Oral Health Improvement Program

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 49, Oral Health Improvement Program, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSCRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 49" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published, but may be found in Title 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings ([texas.gov](https://www.texas.gov)).

TRD-202303562

Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: September 27, 2023



Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code:

- Chapter 303, Preadmission Screening and Resident Review (PASRR)
- Subchapter A General Provisions
- Subchapter B PASRR Screening and Evaluation Process
- Subchapter C Responsibilities
- Subchapter D Vendor Payment
- Subchapter E Habilitation Coordination
- Subchapter F Habilitative Service Planning for A Designated Resident
- Subchapter G Transition Planning
- Subchapter H Compliance Review
- Subchapter I MI Specialized Services

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 303, Preadmission Screening and Resident Review (PASRR), may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to HHSRulesCoordinationOffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 303" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published, but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (texas.gov).

TRD-202303534
Jessica Miller
Director, Rules Coordination Office
Health and Human Services Commission
Filed: September 25, 2023



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 39, Public Notice.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state

agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, TCEQ will assess whether the reasons for initially adopting the rules in Chapter 39 continue to exist.

Comments regarding suggested changes to the rules in Chapter 39 may be submitted but will not be considered for rule amendments as part of this review. Any such comments will be considered in a future rule-making action by TCEQ.

Submittal of Comments

TCEQ invites public comment on this preliminary review of the rules in Chapter 39. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: www.tceq.commentinput.com/. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-037-039-LS. Comments must be received by November 6, 2023. For further information, please contact Amy Browning, Environmental Law Division, at (512) 239-0891.

TRD-202303576
Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: September 27, 2023



The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 50, Action on Applications and Other Authorizations.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, TCEQ will assess whether the reasons for initially adopting the rules in Chapter 50 continue to exist.

Comments regarding suggested changes to the rules in Chapter 50 may be submitted but will not be considered for rule amendments as part of this review. Any such comments will be considered in a future rule-making action by TCEQ.

Submittal of Comments

TCEQ invites public comment on this preliminary review of the rules in Chapter 50. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: www.tceq.commentinput.com/. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-038-050-LS. Comments must be received by November 6, 2023. For further information, please contact Amy Browning, Environmental Law Division, at (512) 239-0891.

TRD-202303577
Charmaine Backens
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: September 27, 2023



The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 55, Requests for Reconsideration and Contested Case Hearings; Public Comment.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, TCEQ will assess whether the reasons for initially adopting the rules in Chapter 55 continue to exist.

Comments regarding suggested changes to the rules in Chapter 55 may be submitted but will not be considered for rule amendments as part of this review. Any such comments will be considered in a future rule-making action by TCEQ.

Submittal of Comments

TCEQ invites public comment on this preliminary review of the rules in Chapter 55. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: www.tceq.commentinput.com/. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-039-055-LS. Comments must be received by November 6, 2023. For further information, please contact Amy Browning, Environmental Law Division, at (512) 239-0891.

TRD-202303578

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: September 27, 2023



The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 299, Dams and Reservoirs.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, TCEQ will assess whether the reasons for initially adopting the rules in Chapter 299 continue to exist.

Comments regarding suggested changes to the rules in Chapter 299 may be submitted but will not be considered for rule amendments as part of this review. Any such comments will be considered in a future rulemaking action by TCEQ.

Submittal of Comments

TCEQ invites public comment on this preliminary review of the rules in Chapter 299. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: www.tceq.commentinput.com/. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-093-299-CE. Comments must be received by November 6, 2023. For further information, please contact Trina Lancaster, Critical Infrastructure Division, at (512) 239-4283.

TRD-202303575

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: September 27, 2023



The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 352, Coal Combustion Residuals Waste Management.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for readoption, readoption with amendments, or repeal every four years. During this review, TCEQ will assess whether the reasons for initially adopting the rules in Chapter 352 continue to exist.

Comments regarding suggested changes to the rules in Chapter 352 may be submitted but will not be considered for rule amendments as part of this review. Any such comments will be considered in a future rulemaking action by TCEQ.

Submittal of Comments

TCEQ invites public comment on this preliminary review of the rules in Chapter 352. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: www.tceq.commentinput.com/. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-119-352-WS. Comments must be received by November 6, 2023. For further information, please contact Jarita Sepulvado, Waste Permits Division, at (512) 239-4413.

TRD-202303574

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: September 27, 2023



Comptroller of Public Accounts

Title 34, Part 1

The Comptroller of Public Accounts proposes to review Texas Administrative Code, Title 34, Part 1, Chapter 1, concerning Central Administration; Chapter 4, concerning Treasury Administration; Chapter 5, concerning Funds Management (Fiscal Affairs); and Chapter 6, concerning Investment Management.

The review will include, at the minimum, whether the reasons for re-adopting continue to exist.

The comptroller will accept comments regarding the review. The comment period will last for 30 days following the publication of this notice in the *Texas Register*. Comments pertaining to this review may be directed accordingly.

Chapter 1, Central Administration

Subchapter A, Practice and Procedures, and

Subchapter B, Miscellaneous Non-Tax Reporting and Remittance Requirements

James Arbogast, General Counsel for Hearings and Tax Litigation

P.O. Box 13528, Austin, Texas 78711-3528
or by email to: James.Arbogast@cpa.texas.gov

Chapter 1, Central Administration

Subchapter C, Administration

Katie Repka, Manager, Human Resources Division
P.O. Box 13528, Austin, Texas 78711-3528
or by email to: Katie.Repka@cpa.texas.gov

Chapter 1, Central Administration

Subchapter F, Negotiation and Mediation of Contract Disputes

Jason Frizzell, Deputy General Counsel for Contracts, Operations & Support Legal Services

P.O. Box 13528, Austin, Texas 78711-3528
or by email to: Jason.Frizzell@cpa.texas.gov

Chapter 4, Treasury Administration

Macy Douglas, Director, Treasury Operations Division
P.O. Box 13528, Austin, Texas 78711-3528
or by email to: Macy.Douglas@cpa.texas.gov

Chapter 5, Funds Management (Fiscal Affairs)

Rob Coleman, Director, Fiscal Management Division
P.O. Box 13528, Austin, Texas 78711-3528
or by email to: Rob.Coleman@cpa.texas.gov

Chapter 6, Investment Management

Macy Douglas, Director, Treasury Operations Division
P.O. Box 13528, Austin, Texas 78711-3528
or by email to: Macy.Douglas@cpa.texas.gov

TRD-202303529
Jenny Burleson
Director, Tax Policy Division
Comptroller of Public Accounts
Filed: September 25, 2023



Texas Public Finance Authority

Title 34, Part 10

The Texas Public Finance Authority (TPFA) files this notice of intent to review the rules in 34 Texas Administrative Code, Part 10. The review will include the following chapters in Title 34: Chapter 221, concerning the Distribution of Bond Proceeds; Chapter 223, concerning the Historically Underutilized Business Program; Chapter 225, concerning the Master Lease Purchase Program; and Chapter 227, concerning Administration.

This review is being conducted in accordance with the requirements of Texas Government Code §2001.039, which requires that each of a state agency's rules be periodically reviewed and considered for re-adoption.

The TPFA will consider whether the initial reasons for adopting each rule in these chapters continues to exist and whether each rule should be repealed, readopted, or readopted with amendments.

Written comments on this review may be submitted by mail to Devyn F. Wills, Assistant General Counsel, P.O. Box 12906, Austin, Texas 78711; or e-mailed to Devyn.Wills@tpfa.texas.gov.

The Authority must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

Additionally, please include "Quadrennial Rule Review" in the subject line of any comments which are submitted electronically.

TRD-202303512
Devyn F. Wills
Assistant General Counsel
Texas Public Finance Authority
Filed: September 21, 2023



State Pension Review Board

Title 40, Part 17

The Texas Pension Review Board (board) files this notice of intent to review 40 Texas Administrative Code Chapter 601, concerning general provisions, in accordance with Texas Government Code §2001.039. The review will include, at a minimum, whether the reasons for adopting or readopting the rules continue to exist.

The board will accept comments regarding the review. The comment period will last for 30 days following the publication of this notice in the *Texas Register*. Comments regarding this review may be submitted to Tamara Aronstein, General Counsel, Texas Pension Review Board, P.O. Box 13498, Austin, Texas 78711-3498 or to rules@prb.texas.gov with the subject line "Rule Review."

Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202303523
Tamara Aronstein
General Counsel
State Pension Review Board
Filed: September 25, 2023



The Texas Pension Review Board (board) files this notice of intent to review 40 Texas Administrative Code Chapter 603, concerning officers and meetings, in accordance with Texas Government Code §2001.039. The review will include, at a minimum, whether the reasons for adopting or readopting the rules continue to exist.

The board will accept comments regarding the review. The comment period will last for 30 days following the publication of this notice in the *Texas Register*. Comments regarding this review may be submitted to Tamara Aronstein, General Counsel, Texas Pension Review Board, P.O. Box 13498, Austin, Texas 78711-3498 or to rules@prb.texas.gov with the subject line "Rule Review."

Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202303524

Tamara Aronstein
General Counsel
State Pension Review Board
Filed: September 25, 2023



The Texas Pension Review Board (board) files this notice of intent to review 40 Texas Administrative Code Chapter 604, concerning the Historically Underutilized Business Program, in accordance with Texas Government Code §2001.039. The review will include, at a minimum, whether the reasons for adopting or readopting the rules continue to exist.

The board will accept comments regarding the review. The comment period will last for 30 days following the publication of this notice in the *Texas Register*. Comments regarding this review may be submitted to Tamara Aronstein, General Counsel, Texas Pension Review Board, P.O. Box 13498, Austin, Texas 78711-3498 or to rules@prb.texas.gov with the subject line "Rule Review."

Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202303525
Tamara Aronstein
General Counsel
State Pension Review Board
Filed: September 25, 2023



The Texas Pension Review Board (board) files this notice of intent to review 40 Texas Administrative Code Chapter 605, concerning standardized forms adopted by the board, in accordance with Texas Government Code §2001.039. The review will include, at a minimum, whether the reasons for adopting or readopting the rules continue to exist.

The board will accept comments regarding the review. The comment period will last for 30 days following the publication of this notice in the *Texas Register*. Comments regarding this review may be submitted to Tamara Aronstein, General Counsel, Texas Pension Review Board, P.O. Box 13498, Austin, Texas, 78711-3498 or to rules@prb.texas.gov with the subject line "Rule Review."

Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202303526
Tamara Aronstein
General Counsel
State Pension Review Board
Filed: September 25, 2023



The Texas Pension Review Board (board) files this notice of intent to review 40 Texas Administrative Code Chapter 607, concerning the Minimum Educational Training Program for public retirement systems, in accordance with Texas Government Code §2001.039. The review will include, at a minimum, whether the reasons for adopting or re-adopting the rules continue to exist.

The board will accept comments regarding the review. The comment period will last for 30 days following the publication of this notice in the *Texas Register*. Comments regarding this review may be submitted to Tamara Aronstein, General Counsel, Texas Pension Review Board, P.O. Box 13498, Austin, Texas 78711-3498 or to rules@prb.texas.gov with the subject line "Rule Review."

The board anticipates a need for substantive amendments to the rules on the minimum educational training program and invites stakeholders to provide input through the rule review process as well as through ongoing informal opportunities to engage with board staff contemporaneously.

Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202303527
Tamara Aronstein
General Counsel
State Pension Review Board
Filed: September 25, 2023



The Texas Pension Review Board (board) files this notice of intent to review 40 Texas Administrative Code Chapter 609, concerning investment expense reporting requirements for public retirement systems, in accordance with Texas Government Code §2001.039. The review will include, at a minimum, whether the reasons for adopting or readopting the rules continue to exist.

The board will accept comments regarding the review. The comment period will last for 30 days following the publication of this notice in the *Texas Register*. Comments regarding this review may be submitted to Tamara Aronstein, General Counsel, Texas Pension Review Board, P.O. Box 13498, Austin, Texas 78711-3498 or to rules@prb.texas.gov with the subject line "Rule Review."

The board anticipates a potential need for substantive amendments to the rules pertaining to investment expense reporting and invites stakeholders to provide input through the rule review process as well as through ongoing informal opportunities to engage with board staff contemporaneously.

Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202303528
Tamara Aronstein
General Counsel
State Pension Review Board
Filed: September 25, 2023



Adopted Rule Reviews

Texas Education Agency

Title 19, Part 2

The Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 102, Educational Programs, Subchapter AA, Commissioner's Rules Concerning Early Childhood Education Programs; Subchapter CC, Commissioner's Rules Concerning Coordinated Health Programs; Subchapter DD, Commissioner's Rules Concerning the Texas Accel-

erated Science Achievement Program Grant; Subchapter EE, Commissioner's Rules Concerning Pilot Programs; Subchapter FF, Commissioner's Rules Concerning Educator Award Programs; Subchapter GG, Commissioner's Rules Concerning College and Career Readiness School Models; Subchapter HH, Commissioner's Rules Concerning the Texas Adolescent Literacy Academies; Subchapter II, Commissioner's Rules Concerning Texas High Performance Schools Consortium; Subchapter JJ, Commissioner's Rules Concerning Innovation District; Subchapter KK, Commissioner's Rules Concerning Compliance Investigations in Connection with State-Funded Education Program Grants; Subchapter LL, Commissioner's Rules Concerning Innovative Instructional Programs; and Subchapter MM, Commissioner's Rules Concerning Supplemental Special Education Services Program, pursuant to Texas Government Code, §2001.039. TEA proposed the review of 19 TAC Chapter 102, Subchapters AA and CC-MM, in the April 28, 2023 issue of the *Texas Register* (48 TexReg 2191).

Relating to the review of 19 TAC Chapter 102, Subchapter AA, TEA finds that the reasons for adopting the rules continue to exist and readopts the rules. TEA received no comments related to the review. In the future, TEA anticipates making updates to §102.1003 to update prekindergarten guidelines and align the rule with changes made to teacher qualifications by the 88th Texas Legislature, 2023.

Relating to the review of 19 TAC Chapter 102, Subchapter CC, TEA finds that the reasons for adopting the rule continue to exist and readopts the rule. TEA received no comments related to the review. In the future, TEA anticipates making updates related to the criteria for evaluating coordinated health programs for elementary, middle, and high school students.

Relating to the review of 19 TAC Chapter 102, Subchapter DD, TEA finds that the reasons for adopting the rule continue to exist and readopts the rule. TEA received no comments related to the review. No changes are necessary as a result of the review.

Relating to the review of 19 TAC Chapter 102, Subchapter EE, TEA finds that the reasons for adopting §§102.1051, 102.1055, and 102.1057 continue to exist and readopts the rules. TEA finds that the reasons for adopting §102.1056 and §102.1058 do not exist. Texas Education Code (TEC), §§39.407, 39.411, and 39.416, which provided statutory authority for §102.1056, were repealed by Senate Bill (SB) 1376, 86th Texas Legislature, Regular Session, 2019. TEC, §28.0061, which provided statutory authority for §102.1058, expired September 1, 2021. TEA received no comments related to the review. At a later date, TEA anticipates repealing §102.1056 and §102.1058.

Relating to the review of 19 TAC Chapter 102, Subchapter FF, TEA finds that the reasons for adopting the rule continue to exist and readopts the rule. TEA received no comments related to the review. No changes are necessary as a result of the review.

Relating to the review of 19 TAC Chapter 102, Subchapter GG, TEA finds that the reasons for adopting §102.1091 and §102.1095 continue

to exist and readopts the rules. TEA finds the reason for adopting §102.1093 does not exist. TEC, §39.407 and §39.416, which provided statutory authority for §102.1093, were repealed by SB 1376, 86th Texas Legislature, Regular Session, 2019. TEA received no comments related to the review. In the future, TEA anticipates repealing §102.1093 and making changes to §102.1091 and §102.1095 to align the two sections more closely and update definitions, evaluation, renewal, and revocation of authority.

Relating to the review of 19 TAC Chapter 102, Subchapter HH, TEA finds that the reasons for adopting the rule do not continue to exist. SB 1267, 87th Texas Legislature, Regular Session, 2021, repealed TEC, §21.4551, which provided statutory authority for the rule. TEA received no comments related to the review. As a result of the review, TEA anticipates repealing §102.1101.

Relating to the review of 19 TAC Chapter 102, Subchapter II, TEA finds that the reasons for adopting the rule continue to exist and readopts the rule. TEA received no comments related to the review. No changes are necessary as a result of the review.

Relating to the review of 19 TAC Chapter 102, Subchapter JJ, TEA finds that the reasons for adopting the rules continue to exist and readopts the rules. TEA received no comments related to the review. No changes are necessary as a result of the review.

Relating to the review of 19 TAC Chapter 102, Subchapter KK, TEA finds that the reasons for adopting the rule continue to exist and readopts the rule. TEA received no comments related to the review. In the future, TEA anticipates updating the language in §102.1401 to align terminology with statute.

Relating to the review of 19 TAC Chapter 102, Subchapter LL, TEA finds that the reasons for adopting the rules continue to exist and readopts the rules. TEA received no comments related to the review. In the future, TEA anticipates updating §102.1503 to remove the requirement to track interim assessment results.

Relating to the review of 19 TAC Chapter 102, Subchapter MM, TEA finds that the reasons for adopting the rule continue to exist and readopts the rule. TEA received no comments related to the review. In the future, TEA anticipates updating §102.1601 to align with changes made by House Bill 1926, 88th Texas Legislature, Regular Session, 2023.

This concludes the review of 19 TAC Chapter 102.

TRD-202303557

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: September 27, 2023

