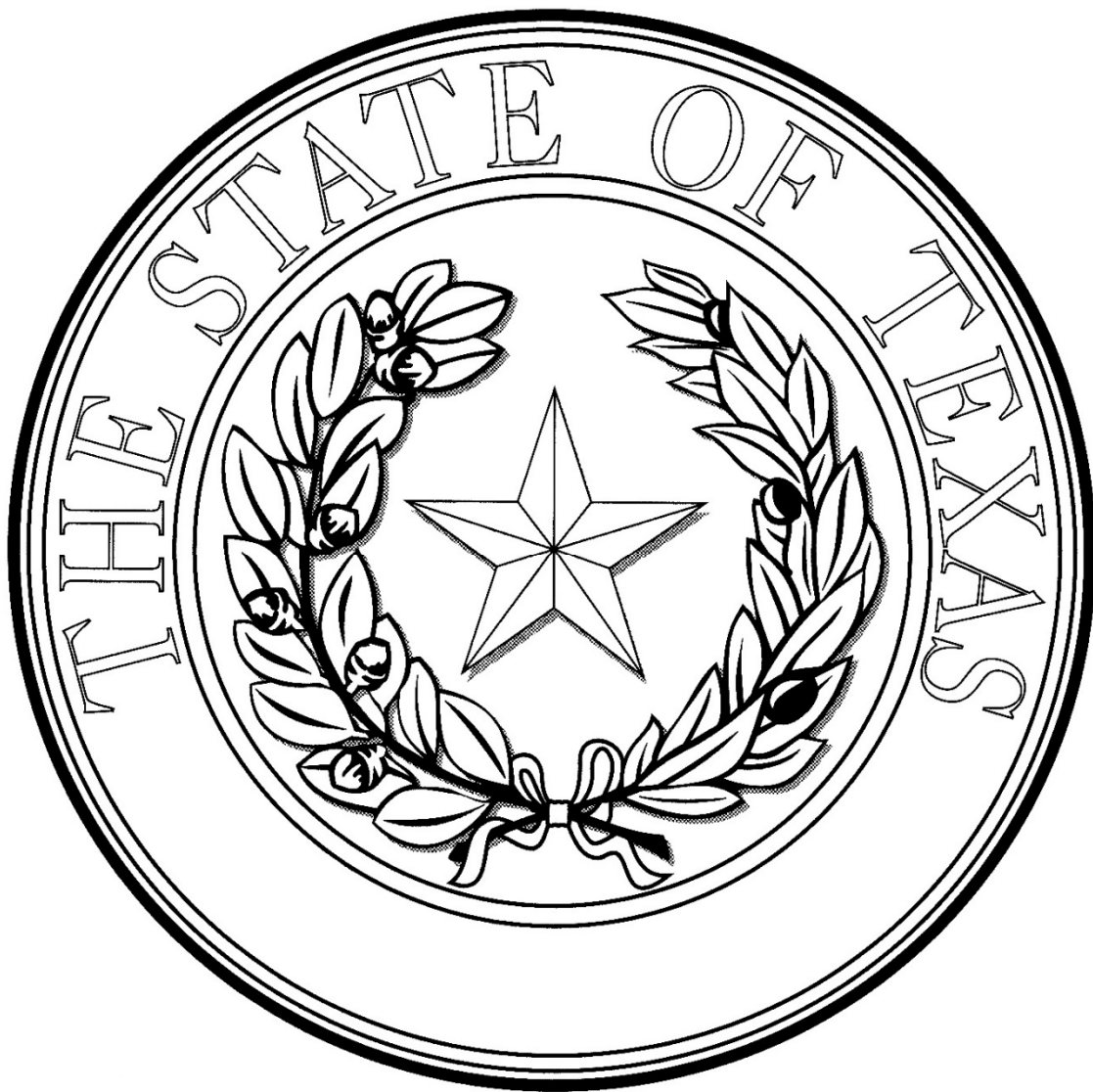

TEXAS REGISTER

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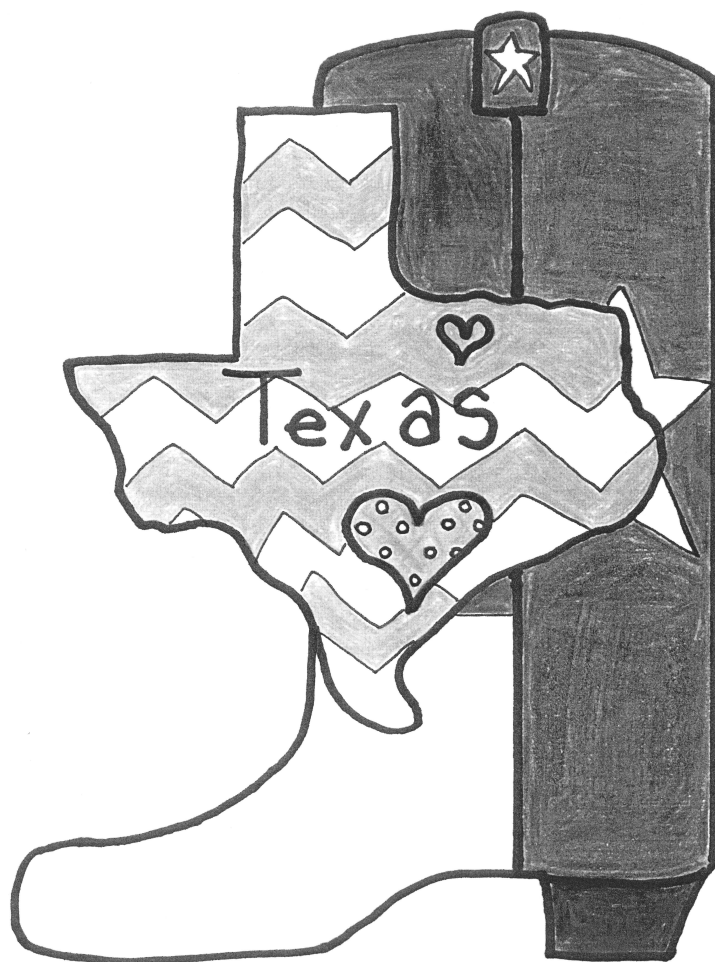
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THE GOVERNOR

As required by Government Code, §2002.011(4), the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

Appointments

Appointments for November 24, 2025

Appointed as Judge of the 501st Judicial District, Fort Bend County effective December 1, 2025 for a term to expire December 31, 2026, or until his successor shall be duly elected and qualified Richard T. "Rick" Bell of Richmond, Texas.

Appointed as Judge of the 502nd Judicial District, Fort Bend County effective December 1, 2025 for a term to expire December 31, 2026, or until his successor shall be duly elected and qualified Mark H. Hanna of Sugar Land, Texas.

Appointed as Judge of the 504th Judicial District, Ellis County effective December 1, 2025 for a term to expire December 31, 2026, or until his successor shall be duly elected and qualified Gregory E. "Greg" Wilhelm of Midlothian, Texas.

Appointments for November 25, 2025

Appointed to the Texas Economic Development Corporation Board of Directors for a term to expire at the pleasure of the Governor, Eric M. Andresen of Austin, Texas (pursuant to Government Code Sec. 481.024).

Appointed to the Texas Economic Development Corporation Board of Directors for a term to expire at the pleasure of the Governor, Crystal D. Long of El Paso, Texas (replacing L. Frederick "Rick" Francis of El Paso who resigned).

Appointments for December 1, 2025

Appointed to the Health Professions Workforce Coordinating Council for a term to expire at the pleasure of the Governor, Clifford F. Porter, Ph.D., M.D. of Austin, Texas.

Appointed to the Health Professions Workforce Coordinating Council for a term to expire at the pleasure of the Governor, Bryan W. Sisk, M.D. of Houston, Texas.

Appointed to the Health Professions Workforce Coordinating Council for a term to expire at the pleasure of the Governor, Candice R. Smith of Canyon, Texas.

Appointed to the Health Professions Workforce Coordinating Council for a term to expire at the pleasure of the Governor, Cheletta L. Watkins, M.D. of Forney, Texas.

Appointments for December 2, 2025

Appointed to the University of Houston System Board of Regents for a term to expire August 31, 2027, Patrick J. Fertitta of Houston, Texas (replacing Tilman J. Fertitta of Houston who resigned).

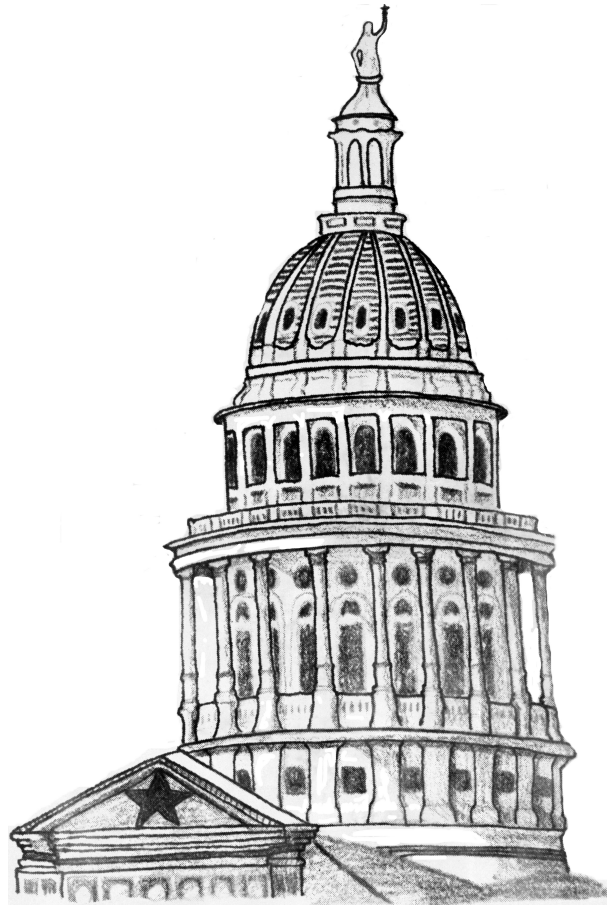
Appointments for December 3, 2025

Appointed to be the Executive Commissioner of Health and Human Services for a term to expire February 1, 2027, Stephanie B. Muth of Austin, Texas (replacing Cecile Erwin Young of Austin whose term expired).

Greg Abbott, Governor

TRD-202504410

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EMERGENCY RULES

Emergency Rules include new rules, amendments to existing rules, and the repeals of existing rules. A state agency may adopt an emergency rule without prior notice or hearing if the agency finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice. An emergency rule may be effective for not longer than 120 days and may be renewed once for not longer than 60 days (Government Code, §2001.034).

TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 20. STATEWIDE PROCUREMENT AND SUPPORT SERVICES

SUBCHAPTER D. SOCIO-ECONOMIC PROGRAM

DIVISION 1. HISTORICALLY UNDERUTILIZED BUSINESSES

34 TAC §§20.281, 20.282, 20.284, 20.285, 20.288, 20.294 - 20.296, 20.298

The Comptroller of Public Accounts adopts on an emergency basis amendments to §20.281, concerning policy and purpose; §20.282, concerning definitions; §20.284, concerning statewide annual HUB utilization goals; §20.285, concerning subcontracts; §20.288, concerning certification process; §20.294, concerning graduation procedures, §20.295, concerning program review; §20.296, concerning HUB coordinator responsibilities; and §20.298, concerning mentor-protégé program. Under Government Code, §2001.034, the comptroller may adopt emergency rules upon finding that a requirement of state or federal law requires adoption on fewer than 30 days' notice.

These emergency rules are effective December 2, 2025 through April 1, 2026. Emergency rules adopted under Government Code, §2001.034 may be effective for up to 120 days and may be renewed for up to 60 days.

BACKGROUND AND PURPOSE

Recent court decisions have changed the legal landscape around race- and sex-based discrimination. In *Students for Fair Admission, Inc. v. Harvard*, 600 U.S. 181 (2023), the Supreme Court prohibited race-based preferences in government benefits. In *United States v. Skrametti*, 145 S. Ct. 1816 (2025), the Supreme Court reiterated that it is unlawful to treat a member of one sex less favorably than the other, absent some pertinent difference. And in *Ames v. Ohio Department of Youth Services*, 605 U.S. 303 (2025), the Supreme Court held that discrimination against members of "majority groups" can still be unlawful discrimination. These precedents apply to the State and are also instructive for construing the Texas Constitution's overlapping protections. See U.S. CONST. amend. XIV; TEX. CONST. art. I, § 3a; see, e.g., *Bell v. Low Income Women of Tex.*, 95 S.W.3d 253, 266 (Tex. 2002). Citing the Texas and U.S. Constitutions and the U.S. Supreme Court, Governor Abbott issued an executive order stating that agencies must "treat people equally regardless of membership in any racial

group" and adhere to "the color-blind guarantee of our state and federal Constitutions by prohibiting all forms of government race discrimination." Executive Order GA-55, (50 TexReg 810).

In *Nuziard v. Minority Business Development Agency*, plaintiffs sued a federal agency that provided benefits to minority-owned businesses. 721 F.Supp. 3d 431 (N.D. Tex., 2024), appeal dismissed, No. 24 10603, 2024 WL 5279784, at *1 (5th Cir. July 22, 2024). The plaintiffs were small business owners who were denied assistance because their race was not among the "codified list of preferred races/ethnicities" in the statute and rules used to determine eligibility. *Id.* at 448. The agency relied on a presumption that "anyone from the listed groups is 'socially or economically disadvantaged' and thus entitled to services." *Id.* The statute defined an "economically disadvantaged individual" as one "who has been subjected to racial or ethnic prejudice or cultural bias . . . because of the identity of the individual as a member of a group, without regard to any individual quality of the individual that is unrelated to that identity." 15 U.S.C. § 9501; *Nuziard*, 721 F. Supp. 3d at 452. The statute listed groups that it deemed economically disadvantaged, including "Black or African American" and "Hispanic or Latino." *Id.* Because of the explicit references to race and ethnicity, the court applied strict scrutiny. *Id.* at 478. It held that the agency had a compelling interest in remedying discrimination in government contracting, shown through "significant disparity ratios for {minority-owned businesses} in prime contracting." *Id.* at 488. In spite of that compelling interest, the statute was unconstitutional, because it was not narrowly tailored to address that interest. *Id.* at 493. The exclusion of many minority business owners from the presumption of disadvantage, including those from the Middle East and North Asia, was arbitrary. *Id.* at 490. Furthermore, presuming that all members of a group are equally disadvantaged was an "illogical stereotype." *Id.* at 492-493. Finally, there was no "logical endpoint" where the discrimination would be remedied, and the program could be retired. *Id.* at 493-494. Due to the lack of narrow tailoring, the court struck down the racial and ethnic presumptions as unconstitutional under the Fourteenth Amendment. *Id.* at 498.

Like the federal statute at issue in *Nuziard*, Government Code, Chapter 2161 as implemented in §20.282 of this title presumes that certain demographic groups are disadvantaged. The definition of "economically disadvantaged person" in Government Code, §2161.002(3) and the definition of "qualified owner" in §20.282 of this title both explicitly incorporate race, ethnicity, and sex. Like that federal statute, Government Code, Chapter 2161 was adopted with a purpose to address disparities in contracting, established through a study. Like that federal statute, the HUB program's definitions exclude business owners from the Middle East and North Asia. Like that federal statute, the HUB program relies on an illogical stereotype that presumes all members of a demographic group are equally disadvantaged. Like that federal statute, the HUB program has no logical end point. It is clear from

Nuziard that the HUB program is not narrowly tailored to meet the strict scrutiny required for racial and ethnic classifications nor the intermediate scrutiny required for sex-based classifications under the state and federal constitutions. Therefore, the highest state and federal law requires the comptroller to undertake emergency rulemaking to remove such classifications from the comptroller's implementation of the HUB program.

Unlike race, ethnic, and sex-based classifications, veteran status and disability status are subject only to rational basis scrutiny. *Personnel Administrator of Mass. v. Feeney*, 442 U.S. 256 (1979) (state statute preferencing veterans over non-veterans was subject only to rational basis review and approved as constitutional). There are no judicial decisions suggesting that a program to assist disabled veterans only is unconstitutional.

To ensure that the comptroller does not implement the HUB program in an unconstitutional way, these emergency rules eliminate each classification that could be applied in an unconstitutional manner. Without those classifications, the program will serve small businesses owned by service-disabled veterans, regardless of their race, sex, or ethnicity. The comptroller will refer to this program as Veteran Heroes United in Business, or VetHUB. HUBs that are currently certified will retain their certification until the comptroller reviews their eligibility for VetHUB. The comptroller intends to carry out this review expeditiously.

These emergency rules do not require agencies to terminate or modify existing contracts, modify solicitations that are currently open for responses, or resolicit solicitations that have closed. A vendor that is required to submit a HUB subcontracting plan may rely on the comptroller's HUB directory as of the date it selects HUBs, and its plan will comply with these rules even if the HUBs' certifications are subsequently revoked. If the HUBs are later revoked, an agency will have discretion to work with the vendor to amend its HUB subcontracting plan.

These emergency rules eliminate statewide quantitative HUB utilization goals that relied on suspect eligibility criteria to be viable. Agencies are instructed to set their own goals for increasing the utilization of VetHUB businesses.

Under these emergency rules, agencies and their employees shall implement the VetHUB program on a race-neutral, ethnicity-neutral, and sex-neutral basis, mindful that the Texas and U.S. Constitutions prohibit discrimination and require equal protection under the law.

LEGAL AUTHORITY

This emergency rulemaking is authorized under Government Code, §2001.034 and §2161.002, and Texas Constitution, Article XVI, §1. Government Code, §2001.034 authorizes the adoption of emergency rules without prior notice and hearing, if the comptroller finds that a requirement of state or federal law requires it. Under Government Code, §2161.002, the comptroller may adopt rules to efficiently and effectively administer the Historically Underutilized Business program. The Texas Constitution requires the comptroller to "faithfully preserve, protect, and defend the Constitution and the laws of the United States and this State." Texas Constitution, Article XVI, §1. The comptroller accordingly finds that a requirement of state or federal law requires immediate adoption of these emergency rules on fewer than 30 days' notice.

§20.281. Policy and Purpose.

It is the policy of the comptroller to encourage the use of historically underutilized businesses (HUBs) by state agencies and to assist agencies

in the implementation of this policy through race, ethnic, and sex-neutral [gender-neutral] means. The purpose of the HUB program is to promote full and equal business opportunities for all businesses [in an effort to remedy disparity in state procurement and contracting in accordance with the HUB utilization goals specified in the State of Texas Disparity Study]. All rules, guidance, and statutes related to the HUB program must be interpreted, applied, and implemented in accordance with the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV.

§20.282. Definitions.

The following words and terms, when used in this division, shall have the following meanings, unless the context clearly indicates otherwise. Additional applicable definitions are located in §20.25 of this title.

(1) Applicant--A corporation, sole proprietorship, partnership, joint venture, limited liability company, or other business organization that applies to the comptroller for certification as a historically underutilized business.

(2) Application--The information, documents, and representations submitted by an applicant that constitute its request for certification as a historically underutilized business.

(3) Commodities--Any tangible goods.

(4) Disparity study--The State of Texas Disparity Study - 2009, conducted by MGT of America, Inc., dated March 30, 2010, or any updates of the study that are prepared on behalf of the state as provided by Government Code, §2161.002(c).

(5) Economically disadvantaged person--Has the meaning assigned by Government Code, §2161.001(3), subject to the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV.

(6) Graduation--When a certified HUB exceeds the size standards and becomes ineligible for continued certification as a result.

(7) Historically underutilized business (HUB)--A business organization described in subparagraphs (A) - (F) of this paragraph that is certified by the comptroller because it has not exceeded the size standards established by §20.294 of this title, maintains its principal place of business in Texas, and is:

(A) a corporation formed for the purpose of making a profit in which at least 51% of all classes of the shares of stock or other equitable securities are owned by one or more qualifying owners;

(B) a sole proprietorship created for the purpose of making a profit that is 100% owned, operated, and controlled by a qualifying owner;

(C) a partnership formed for the purpose of making a profit in which 51% of the assets and interest in the partnership is owned by one or more qualifying owners;

(D) a joint venture in which each entity is described by subparagraphs (A), (B), (C), or (E) of this paragraph [a HUB];

(E) a supplier contract between an entity described by subparagraphs (A), (B), (C), or (D) of this paragraph [a HUB] and a prime contractor under which the HUB is directly involved in the manufacture or distribution of the supplies or materials or otherwise warehouses and ships the supplies; or

(F) a business other than described in subparagraphs (B), (C), (D), and (E) of this paragraph, which is formed for the purpose of making a profit and is otherwise a legally recognized business

organization under the laws of the State of Texas, provided that at least 51% of the assets and 51% of any classes of stock and equitable securities are owned by one or more qualifying owners.

(8) Historically underutilized business (HUB) coordinator--The staff member designated by a state agency to be primarily responsible for overseeing the implementation of HUB laws and monitoring attainment of HUB utilization goals.

(9) HUB directory--The Historically Underutilized Business Directory published on the comptroller's website.

(10) HUB subcontracting plan--Written plan identifying whether a contract will be self-performed or include the use of subcontractors, which subcontractors will be used, how much of the contract each subcontractor will receive, and how subcontractors were selected.

(11) Mentor-Protégé Program--A program designed by the comptroller to encourage agencies to work with prime contractors and HUBs to foster long-term relationships.

(12) Non-treasury funds--Funds that are not state funds subject to the custody and control of the comptroller and available for appropriation by the legislature.

(13) Other services--All services other than construction and professional services, including consulting services subject to Government Code, Chapter 2254, Subchapter B.

(14) Person--A human being.

(15) Principal place of business--The location where the qualifying owner or owners of the business direct, control, and coordinate the business's daily operations and activities.

(16) Professional services--Services of certain licensed or registered professions that must be purchased by state agencies under Government Code, Chapter 2254, Subchapter A.

(17) Qualifying owner--A person who:

(A) is a resident of the State of Texas;

(B) has a proportionate interest and demonstrates active participation in the control, operation, and management of an applicant;

(C) is a service-disabled veteran, [member of one of the following groups:]

[(i) Black Americans, which includes persons having origins in any of the Black racial groups of Africa;]

[(ii) Hispanic Americans, which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;]

[(iii) American Women, which includes all women of any ethnicity except those specified in clauses (i), (ii), (iv), and (v) of this subparagraph;]

[(iv) Asian Pacific Americans, which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, the Northern Marianas, and Subcontinent Asian Americans which includes persons whose origins are from India, Pakistan, Bangladesh, Sri Lanka, Bhutan or Nepal;]

[(v) Native Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; and]

[(vi)] [Service-disabled Veterans,] which includes veterans as defined by 38 U.S.C. §101(2) who have suffered at least a 20% service-connected disability as defined by 38 U.S.C. §101(16),

[who are not Black Americans, Hispanic Americans, American Women, Asian Pacific Americans, or Native Americans; and]

[(D) is a U.S. citizen, born or naturalized, or a service-disabled veteran as defined by 38 U.S.C., §101(2) who has suffered at least a 20% service-connected disability as defined by 38 U.S.C., §101(16).]

(18) Resident of the State of Texas-- An individual who:

(A) physically resides in the state for a period of not less than six consecutive months prior to submitting an application for HUB certification, and lists Texas as their residency in their most recent tax return submitted to the U.S. Internal Revenue Service, or;

(B) has established, to the satisfaction of the comptroller, a Texas domicile for a period of time sufficient to demonstrate their intention to permanently reside in the state consistently over a substantial period of time.

(19) Response--A submission made in answer to an invitation for bid, request for proposal, or other purchase solicitation document, which may take the form of a bid, proposal, offer, or other applicable expression of interest.

(20) Subcontractor--An entity that contracts with a prime contractor to work or contribute toward completing work under a purchase order or other contract. The term does not include employees of the contractor but includes contracted workers who will work on the contract.

(21) Size standards--Graduation and eligibility thresholds established by the comptroller under §20.294 (relating to Graduation Procedures).

(22) Term contract--A statewide contract established by the comptroller as a supply source for user entities for specific commodities or services.

(23) Vendor Identification Number (VID)--A 13-digit identification number used in state government to identify the bidder or business for payment or award of contracts, certification as a HUB, and on the bidders list.

(24) Work--Providing goods or performing services pursuant to a contract.

(25) Working day--Normal business day of a state agency, not including weekends, federal or state holidays.

§20.284. *Statewide Annual HUB Utilization Goals.*

(a) In accordance with §20.281 of this title (relating to Policy and Purpose) and Government Code, §2161.181 and §2161.182, each state agency shall make a good faith effort to utilize HUBs in contracts for construction, services (including professional and consulting services) and commodities purchases. Each state agency may achieve the statewide and the annual HUB utilization goals specified in the state agency's Legislative Appropriations Request by contracting directly with HUBs or indirectly through subcontracting opportunities.

(b) The statewide HUB utilization goals are qualitative, with the goal of increasing participation of service-disabled veteran in state purchasing and contracts.[:]

[(1) 11.2% for heavy construction other than building contracts;]

[(2) 21.1% for all building construction, including general contractors and operative builders contracts;]

[(3) 32.9% for all special trade construction contracts;]

[(4) 23.7% for professional services contracts;]

~~[(5) 26.0% for all other services contracts; and]~~

~~[(6) 21.1% for commodities contracts.]~~

(c) [State agencies shall establish HUB utilization goals for each procurement category identified in subsection (b) of this section. Agencies may set their HUB utilization goals higher or lower than the statewide utilization goals. However, the statewide HUB utilization goals shall be the starting point for establishing state agency-specific goals.] State agency-specific HUB utilization goals shall be based on:

- (1) a state agency's fiscal year expenditures and total contract expenditures;
- (2) the availability to a state agency of HUBs [in each procurement category];
- (3) the state agency's historic utilization of HUBs; and
- (4) other relevant factors.

(d) Each state agency shall make a good faith effort to assist HUBs in receiving a portion of the total value of all contracts that the state agency expects to award in a fiscal year. Factors in determining a state agency's good faith shall include:

(1) the state agency's performance in meeting or exceeding their HUB utilization goals or the statewide HUB utilization goals as they included as part of their legislative appropriations request in accordance with Government Code, §2161.127; and

(2) the state agency's adoption and implementation of the following procedures:

(A) prepare and distribute information on procurement procedures in a manner that encourages participation in state contracts by all businesses;

(B) divide proposed requisitions into reasonable lots in keeping with industry standards and competitive bid requirements;

(C) where feasible, assess bond and insurance requirements and design requirements that reasonably permit more than one business to perform the work;

(D) specify reasonable, realistic delivery schedules consistent with a state agency's actual requirements;

(E) ensure that specifications, terms, and conditions reflect a state agency's actual requirements, are clearly stated, and do not impose unreasonable or unnecessary contract requirements;

(F) provide potential bidders with referenced list of certified HUBs for subcontracting;

~~[(G) develop and apply a written methodology to determine whether their HUB utilization goals are appropriate under the Disparity Study, or whether the statewide HUB utilization goals from the Disparity Study are appropriate for the state agency, and taking into account the provisions of Government Code, §2161.002(d).]~~

(G) [(H)] identify potential subcontracting opportunities in all contracts and require a HUB subcontracting plan for contracts of \$100,000 or more over the life of the contract (including any renewals), where such opportunities exist, in accordance with Government Code, §2161.251;

(H) [(H)] seek HUB subcontracting in contracts that are less than \$100,000 whenever possible;

(I) [(J)] provide, at a state agency's option, courtesy reviews of respondents' HUB subcontracting plans required to be submitted with responses pursuant to Government Code, §2161.252; and

(J) [(K)] provide, at a state agency's option, HUB-subcontracting-plan-compliance training to potential respondents during pre-bid, pre-offer, and pre-proposal conferences, or at agency HUB forums.

(e) A state agency may also demonstrate good faith under this section by submitting a supplemental letter with documentation to the comptroller with their HUB report or legislative appropriations request including other relevant information, such as:

(1) identifying the percentage of contracts (prime and subcontracts) awarded to businesses that are not HUBs, but that are owned by qualified owners [economically disadvantaged persons as defined in Government Code, §2161.001];

(2) demonstrating that a different goal from that identified in subsection (b) of this section was appropriate given the state agency's types of purchases;

(3) demonstrating that a different goal was appropriate given the particular qualifications required by a state agency for its contracts;

(4) demonstrating that a different goal was appropriate given that graduated HUBs cannot be counted toward the goal; or

(5) demonstrating assistance to business entities in obtaining HUB certification.

§20.285. Subcontracts.

(a) Analyzing potential contracts of \$100,000 or more. In accordance with Government Code, Chapter 2161, Subchapter F, each state agency that considers entering into a contract with an expected value of \$100,000 or more shall, before it solicits responses, determine whether subcontracting opportunities are probable under the contract.

(1) State agencies shall use the following steps to determine if subcontracting opportunities are probable under the contract:

(A) examine the scope of work to be performed under the proposed contract and determine if it is likely that some of the work may be performed by a subcontractor;

(B) check the HUB directory for HUBs that may be available to perform the contract work; and

(C) consider whether subcontracting is probable for only a subset of the work expected to be performed or the funds to be expended under the contract.

(2) State agencies may consider additional sources of information regarding the probability of subcontracting, including:

(A) information from other state agencies and local governments; and

(B) information about past state contracts with similar scopes of work.

(b) Requiring HUB subcontracting plans.

(1) If a state agency determines that subcontracting opportunities are probable, the solicitation shall state that probability and explicitly require that any response include a completed HUB subcontracting plan to be considered responsive. The solicitation shall state the applicable HUB utilization goal, and provide information on where to find and how to complete the comptroller's HUB subcontracting plan form.

(2) A state agency shall require HUB subcontracting plans to be submitted with each response. If a state agency permits responses to be submitted in parts, with deadlines for each part, the solicitation shall specify which deadline applies to the HUB subcontracting plan

and shall not open responses until after the HUB subcontracting plan is due.

(3) When a state agency requires a subcontracting plan, a bid, proposal, offer, or other applicable expression of interest for the contract must contain a plan to be considered responsive. [A state agency shall reject any response that does not include a completed and timely HUB subcontracting plan due to material failure to comply with Government Code, §2161.252(b).]

(4) If a properly submitted HUB subcontracting plan contains minor deficiencies, such as failure to sign or date the plan or failure to submit already-existing evidence that a good faith effort was completed, the state agency may allow the respondent to cure the minor deficiency. A state agency may not allow a respondent to cure material deficiencies, including completion of a good faith effort after the response deadline (such as contacting ~~[minority]~~ trade organizations or producing the statement of how the respondent intends to self-perform the work that is required by subsection (d)(4) of this section).

(c) Completing a HUB subcontracting plan. The HUB subcontracting plan shall consist of a completed form prescribed by the comptroller, with attachments as appropriate.

(d) Demonstrating good faith in the development of a HUB subcontracting plan. The HUB subcontracting plan must demonstrate that the respondent developed it in good faith. For each part of the work that the solicitation identified as a probable subcontracting opportunity and each part of the work that the respondent actually intends to subcontract, the respondent must demonstrate its good faith development of a HUB subcontracting plan by a method described in paragraphs (1)-(4) of this subsection.

(1) Solicitation Method. To complete the solicitation method, the respondent shall comply with all requirements of this clause.

(A) The respondent shall divide the work into reasonable lots or portions consistent with prudent industry practices.

(B) The respondent shall notify, in writing, at least two trade organizations or development centers that serve disabled veterans ~~[economically disadvantaged persons]~~, of the subcontracting opportunities that the respondent intends to subcontract.

(C) The respondent shall notify, in writing, at least three HUBs of the subcontracting opportunities that the respondent intends to subcontract. The respondent shall provide the notice described in this subclause to three or more HUBs per subcontracting opportunity that provide the type of work required.

(D) The notices required by subparagraphs (B) and (C) of this paragraph shall include the scope of work, information regarding location to review plans and specifications, information about bonding and insurance requirements, required qualifications, and other contract requirements and identify a contact person.

(E) The respondent shall provide the notices required by subparagraphs (B) and (C) of this paragraph at least seven working days prior to submission of the response. Neither the day on which the notice is sent nor the day on which the respondent submits its response count as one of the required seven working days. A state agency may determine that circumstances require a different time period than seven working days but must notify potential vendors of the requirement and document the justification in the contract file.

(F) The respondent shall submit documentation of having provided the notices required by subparagraphs (B) and (C) of this paragraph, including copies of relevant correspondence with the recipients, with its HUB subcontracting plan.

(G) If the respondent selects a non-HUB business to perform a subcontract instead of a HUB that bid for the same subcontract work, the respondent shall include a written justification for the selection in its HUB subcontracting plan.

(H) The respondent shall retain documentation of its compliance with each aspect of the solicitation method and submit it to the state agency upon request.

(2) All-HUB-Subcontractors Method. The respondent may use the all-HUB-subcontractors method to demonstrate a good faith effort for any subcontracting opportunity by submitting documentation that 100% of subcontracting opportunities will be performed by HUBs.

(3) Meeting-or-Exceeding-HUB-Goal Method. The respondent may use the meeting-or-exceeding-HUB-goal method to demonstrate a good faith effort for any subcontracting opportunity by submitting documentation that it will utilize one or more HUBs to perform subcontracts with a total value that will meet or exceed the HUB utilization goal identified by the procuring state agency in the solicitation.

(4) Self-performing Method. The respondent may use the self-performing method to demonstrate a good faith effort for any subcontracting opportunity by providing a statement of how it intends to fulfill the entire contract, including each subcontracting opportunity, with its own equipment, supplies, materials, and employees. The respondent shall provide the following if requested by the procuring state agency:

(A) evidence of existing staffing to meet contract objectives;

(B) monthly payroll records showing employees engaged in the contract;

(C) on-site reviews of company headquarters or work site where services are to be performed; and

(D) documentation proving employment of qualified personnel holding the necessary licenses and certificates required to perform the work.

(5) Subcontracting to a HUB Protégé. If the respondent is a mentor in a mentor-protégé agreement that is registered with the comptroller under §20.298 of this title (relating to Mentor-Protégé Program), the respondent may demonstrate a good faith effort for any subcontracting opportunity by subcontracting the work to its protégé.

(6) The respondent shall use the HUB directory to identify HUBs. If the respondent uses any alternate source, it accepts the risk that its HUB subcontracting plan may be noncompliant due to inaccurate HUB certification information. A business listed in the HUB directory at the time of the good faith effort is considered a HUB for purposes of evaluating a HUB subcontracting plan, even if the business later graduates or has its HUB status revoked or expired.

(e) Accepting or rejecting the HUB subcontracting plan. The state agency shall review the respondent's HUB subcontracting plan prior to award. The HUB subcontracting plan shall become a provision of the state agency's contract. The agency and contractor may agree to revise the submitted HUB subcontracting plan in accordance with subsection (b)(4) of this section. State agencies shall review the documentation submitted by the respondent to determine if the respondent made a good faith effort. A state agency may reject [If the state agency determines that] a HUB subcontracting plan that was not developed in good faith or [the good faith effort] was not completed [incomplete, the state agency shall reject the response]. The state agency shall document the reasons for rejection in the contract file. If an agency finds

that businesses identified in a HUB subcontracting plan are no longer HUBs, it may invite the vendor to submit a revised plan that identifies active HUBs.

(f) Contractor records. The contractor shall maintain records documenting its compliance with the HUB subcontracting plan.

(g) Progress assessment reports. The contractor shall submit a progress assessment report to the state agency with each invoice, in the format required by the comptroller. A state agency may, at its option, allow electronic submissions of the compliance report required by this subsection so long as the electronically-submitted compliance reports are in the format and contain all information required by the comptroller. The progress assessment report shall be a condition for payment.

(h) Monitoring HUB subcontracting plan compliance.

(1) During the term of the contract, the state agency shall monitor the contractor's subcontracting by reviewing each HUB progress assessment report to determine whether it complies with the HUB subcontracting plan. The state agency shall perform monitoring at intervals corresponding to invoice submissions. The state agency shall determine if the value of the payments to HUBs meets or exceeds the HUB subcontracting plan, and whether the contractor is utilizing only subcontractors named in the HUB subcontracting plan. The state agency shall document the contractor's performance in the contract file.

(2) To determine if the contractor is complying with the HUB subcontracting plan, the state agency may consider the following:

(A) whether the contractor gave timely notice to the subcontractor regarding the time and place of the subcontracted work;

(B) whether the contractor facilitated access to the resources needed to complete the work; and

(C) any other information the state agency considers relevant.

(3) If the contractor fails to comply with the HUB subcontracting plan, the state agency shall notify the contractor of the deficiencies and give the contractor an opportunity to submit documentation and explain why its failure to fulfill the HUB subcontracting plan should not be attributed to a lack of good faith effort by the contractor. Any deficiencies identified by the state agency must be rectified by the contractor prior to the next reporting period.

(4) The state agency shall report failure to comply with the HUB subcontracting plan to the comptroller in accordance with §20.509 of this title (relating to Vendor Performance Reporting). If the state agency determines that the contractor failed to implement the HUB subcontracting plan in good faith, the state agency may, in addition to any other remedies, bar the contractor from further contracting opportunities with the agency. The state agency may also report nonperformance to the comptroller for consideration for possible debarment pursuant to Government Code, §2155.077. A debarment for failure to implement the HUB subcontracting plan may be for a period of no more than five years.

(i) Amending the HUB subcontracting plan.

(1) Before the contractor performs or subcontracts any part of the contract in a manner that is not consistent with its HUB subcontracting plan, it shall submit an amended HUB subcontracting plan to the state agency for its review and approval. The contractor shall demonstrate good faith by complying with the requirements of subsection (d) of this section in the development of the amended HUB subcontracting plan. Failure to comply with this section may be deemed

a breach of the contract subject to any remedies provided by Government Code, Chapter 2161 and other applicable law.

(2) The state agency may approve requested changes to the HUB subcontracting plan by amending the contract. The reasons for amending the HUB subcontracting plan shall be recorded in the contract file.

(3) If a state agency expands the scope of work through a change order or contract amendment, including a renewal that expands the scope of work, it shall determine if the additional scope of work contains additional probable subcontracting opportunities. If the state agency determines probable subcontracting opportunities exist, the state agency shall require the contractor to submit for its review and approval an amended HUB subcontracting plan for the additional probable subcontracting opportunities. The contractor shall demonstrate good faith by complying with the requirements of subsection (d) of this section in the development of the amended HUB subcontracting plan.

§20.288. Certification Process.

(a) A business seeking certification as a HUB must submit an application through the online HUB certification system, affirming under penalty of perjury that the business qualifies as a HUB.

(b) If requested by the comptroller, the applicant must provide any and all materials and information necessary to demonstrate a qualifying active participation in the control, operation, and management of the HUB.

(c) A person claiming Texas residency must prove residency status by submitting:

(1) a current valid Texas driver's license or I.D. card; and

(2) additional evidence of residency satisfactory to the comptroller, such as an appraisal statement for Texas real property (including whether a homestead exemption was claimed for that real property) or most recent paid utility statements.

(d) The comptroller shall certify the applicant as a HUB or provide the applicant with written justification of its denial of certification within 90 days after the date the comptroller receives an application.

(e) The comptroller may reject an application based on one or more of the following:

(1) the application is not satisfactorily completed;

(2) the applicant does not meet the requirements of the definition of HUB;

(3) the application contains false information;

(4) the applicant does not provide required information in connection with the certification review conducted by the comptroller; or

(5) the applicant has an unfavorable record of performance on prior contracts with the state.

(f) The comptroller may approve the existing certification program of one or more local governments or nonprofit organizations in this state that certify historically underutilized businesses[; ~~minority business enterprises, women's business enterprises,~~] or disadvantaged business enterprises that substantially fall under the same definition, to the extent applicable for HUBs found in Government Code, §2161.001, subject to the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV, and maintain them on the comptroller's HUB directory, if the local government or nonprofit organization:

(1) meets or exceeds the standards established by the comptroller and

(2) agrees to the terms and conditions as required by statute relative to the agreement between the local government or nonprofits for the purpose of certification of HUBs.

(g) The agreement in subsection (f) of this section must take effect immediately and contain conditions as follows:

(1) allow for automatic certification of businesses certified by the local government or nonprofit organization as prescribed by the comptroller;

(2) provide for the efficient updating of the HUB directory;

(3) provide for a method by which the comptroller may efficiently communicate with businesses certified by the local government or nonprofit organization;

(4) provide those businesses with information about the state's Historically Underutilized Business Program; and

(5) require that a local government or nonprofit organization that enters into an agreement under subsection (f) of this section, complete the certification of an applicant with written justification of its certification denial within the period established by the comptroller in its rules for certification.

(h) The comptroller will not accept the certification of a local government or nonprofit organization that charges money for the certification of businesses to be listed on the HUB directory.

(i) The comptroller may terminate an agreement made under this section if a local government or nonprofit organization fails to meet the standards established by the comptroller for certifying HUBs. In the event of the termination of an agreement, those HUBs that were certified as a result of the agreement will maintain their HUB status during the fiscal year in which the agreement was in effect. Businesses which are removed from the HUB directory as a result of the termination of an agreement with a local government or nonprofit organization may apply to the comptroller for certification.

(j) The certification is valid for a four-year period beginning on the date the comptroller certifies the applicant as a HUB. If the certification was granted by an organization other than the comptroller under subsections (f) and (g) of this section, it is valid for the period granted by that organization.

§20.294. Graduation Procedures.

(a) **Size Standards.** A HUB shall graduate from being eligible for HUB certification when it has maintained gross receipts or total employment levels during four consecutive years which, including all affiliates, exceed the U.S. Small Business Administration size standards set forth in 13 CFR Part 121.

(b) **Graduation.** ~~[Businesses that achieve the size standards identified in subsection (a) of this section have reached a competitive status in overcoming the effects of discrimination.]~~ The comptroller shall review, as part of the certification or recertification process, the financial revenue or relevant data of a business to determine whether the size standards identified in subsection (a) of this section have been achieved. When the comptroller determines that the business exceeds the applicable size standard, the comptroller shall inform the business that it has graduated and is no longer certified as a HUB, and shall remove the business from the HUB directory.

(c) **Effects of Graduation.**

(1) Businesses that have graduated from the HUB program may not be included in meeting statewide or state agency HUB uti-

lization goals after the end of last reporting period in which they held certification for at least one day.

(2) A business that has graduated or does not qualify as a HUB under this title, shall be eligible to reapply for HUB certification only after demonstrating that it meets the qualifications for HUB, including the size standards.

(3) A business is considered a successor in interest if it has acquired substantially all of the assets and liabilities of another business. The application of the successor in interest to a HUB that has graduated will be treated as a reapplication of the HUB. The successor in interest applicant must show that it meets the size standards before it is considered eligible to apply.

§20.295. Program Review.

~~[The comptroller shall revise the HUB rules based on updates of disparity studies conducted and prepared on behalf of the State of Texas.]~~ The comptroller may determine the need to reassess the HUB rules ~~[upon receipt of new disparity study information].~~

§20.296. HUB Coordinator Responsibilities.

(a) In accordance with Government Code, §2161.062(e), state agencies with biennial budgets that exceed \$10 million shall designate a staff member to serve as the Historically Underutilized Business (HUB) Coordinator for the state agency during the fiscal year. The HUB coordinator will advise and assist state agency executive directors and staff in complying with the requirements of this division, Government Code, §321.013, and §2101.011, and Government Code, Chapter 2161.

(b) To demonstrate good faith effort, a state agency shall provide the HUB coordinator with necessary and sufficient resources from its current operations and budget to effectively promote the achievement of all the responsibilities of the HUB coordinator. The HUB coordinator will assist its state agency in the development of the state agency's procurement specifications, HUB subcontracting plans, and evaluation of contracts for compliance. The HUB coordinator should be in a position that reports, communicates, and provides information directly to the state agency's executive director. To assist state agencies and the comptroller with HUB compliance, the duties and responsibilities of HUB coordinators include, but are not limited to, facilitating compliance with the state agency's good faith effort criteria, HUB reporting, contract administration, and marketing and outreach efforts for HUB participation. The comptroller may assist agencies, upon request, to identify other responsibilities of a HUB coordinator for compliance.

(c) The HUB coordinator shall carry out their duties on a race-neutral, ethnicity-neutral, and sex-neutral basis, mindful that the Texas and U.S. Constitutions prohibit discrimination and require equal protection under the law.

§20.298. Mentor-Protégé Program.

(a) The Mentor-Protégé Program is a program administered by the comptroller in accordance with Government Code, §2161.065, and implemented by state agencies. The purpose of the Mentor-Protégé Program is to foster long-term relationships between experienced contractors and HUBs and to increase the ability of HUBs to obtain and perform contracts and subcontracts for state agency business. Each state agency with a biennial appropriation that exceeds \$10 million shall implement the Mentor-Protégé Program.

(b) Each state agency that implements the Mentor-Protégé program shall consider:

(1) the needs of protégé businesses requesting to be mentored;

(2) the availability of mentors who possess unique skills, talents, and experience related to the mission of the state agency's program; and

(3) the state agency's staff and other resources.

(c) Agencies may elect to implement the Mentor-Protégé Program individually or in cooperation with other agencies, public entities, or private organizations. Agencies are encouraged to implement a Mentor-Protégé Program to address the needs of protégé businesses in the following areas:

- (1) construction;
- (2) commodities; and
- (3) services.

(d) State agencies may consider, but are not limited to, the following factors in developing their Mentor-Protégé Program:

(1) internal procedures, including an application process, regarding the Mentor-Protégé Program which identifies the eligibility criteria and the selection criteria for mentors and potential HUB protégé businesses;

(2) recruitment of contractor mentors and protégés;

(3) documentation of the roles and expectations of the state agency, the mentor and the protégé;

(4) monitoring progress of mentor-protégé relationships;

(5) key agency resources including senior managers and procurement personnel to assist with the implementation of the program;

(6) partnerships with local governmental and nonprofit entities;

(7) the appropriate length of time for mentor-protégé relationships to continue (generally limited to four years); and

~~[(8) guidance related to the Mentor-Protégé Program in the Disparity Study; and]~~

~~[(9)]~~ assessment of the effectiveness of their Mentor-Protégé Program by conducting periodic surveys and interviews of mentors and protégés.

(e) A state agency's Mentor-Protégé Program implementation must include mentor eligibility and selection criteria. In determining the eligibility and selection of a mentor, state agencies shall require each mentor to be registered on the Centralized Master Bidders List (CMBL); and may additionally consider the following criteria:

(1) whether the mentor has extensive work experience and can provide developmental guidance in areas that meet the needs of the protégé, including but not limited to, business, financial, and personnel management; technical matters such as production, inventory control and quality assurance; marketing; insurance; equipment and facilities; and other related resources;

(2) whether the mentor is in "good standing" with the State of Texas and is not in violation of any state statutes, rules or governing policies;

(3) whether the mentor has mentoring experience;

(4) the number of protégés that a mentor can appropriately assist;

(5) whether the mentor has a successful past work history with the state agency;

(6) the amount of time a HUB has participated as a mentor in the program, or in other agencies' programs; and

(7) whether and to what extent the mentor and protégé businesses share management, board members, partners, current or former employees, or other resources that might indicate that they are related or affiliated businesses.

(f) A state agency's Mentor-Protégé Program implementation must include protégé eligibility and selection criteria. In determining the eligibility and selection of HUB protégés, state agencies may use the following criteria:

(1) whether the protégé is eligible and willing to become certified as a HUB;

(2) whether the protégé's business has been operational for at least one year;

(3) whether the protégé is willing to participate with a mentor and will identify the type of guidance that is needed for its development;

(4) whether the protégé is in "good standing" with the State of Texas and is not in violation of any state statutes, rules, or governing policies;

(5) whether the protégé is involved in a mentoring relationship with another contractor;

(6) the amount of time a HUB has participated as a protégé in the program, or in other agencies' programs; and

(7) whether and to what extent the mentor and protégé businesses share management, board members, partners, employees, or other resources that might indicate that they are related or affiliated businesses.

(g) The mentor and the protégé should agree on the nature of their involvement under the state agency's Mentor-Protégé Program. The state agency will monitor the progress of the relationship. The mentor and protégé relationship should be reduced to writing and may include, but is not limited to, the following:

(1) identification of the developmental areas in which the protégé needs guidance;

(2) the time period which the developmental guidance will be provided by the mentor;

(3) points of contact that will oversee the agreement of the mentor and protégé;

(4) procedure for a mentor to notify the protégé in advance if it intends to withdraw from the program or terminate the mentor-protégé relationship;

(5) procedure for a protégé to notify the mentor in advance if it intends to terminate the mentor-protégé relationship; and

(6) a mutually agreed upon timeline to report the progress of the mentor-protégé relationship to the state agency.

(h) The protégé must maintain its HUB certification status for the duration of the agreement.

(i) Each state agency must notify its mentors and protégés that participation is voluntary. The notice must include written documentation that participation in the state agency's Mentor-Protégé Program implementation is neither a guarantee of a contract opportunity nor a promise of business; but the program's intent is to foster positive long-term business relationships.

(j) State agencies may demonstrate their good faith under this section by submitting a supplemental letter with documentation to the comptroller with their HUB report or legislative appropriations request identifying the progress and testimonials of mentors and protégés that participate in the state agency's program.

(k) Each state agency that implements the Mentor-Protégé Program must report that information to the comptroller upon completion of a signed agreement by both parties. Information regarding the Mentor-Protégé Agreement shall be reported in a form prescribed by the comptroller within 21 calendar days after the agreement has been signed. The comptroller will register that agreement on the approved list of mentors and protégés. Approved Mentor-Protégé Agreements are valid for all state agencies in determining good faith effort for the particular area of subcontracting to be performed by the protégé as identified in the HUB subcontracting plan.

(l) The comptroller shall retain and make available to state agencies all registered Mentor-Protégé Agreements. The sponsoring state agency shall monitor and report the termination of an existing

Mentor-Protégé Agreement that has been registered with the comptroller within 21 calendar days.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 2, 2025.

TRD-202504402

Don Neal

General Counsel, Operations and Support Legal Services

Comptroller of Public Accounts

Effective date: December 2, 2025

Expiration date: March 31, 2026

For further information, please call: (512) 463-0545

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PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to

submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. [~~Square brackets and strikethrough~~] indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

TITLE 1. ADMINISTRATION

PART 3. OFFICE OF THE ATTORNEY GENERAL

CHAPTER 53. MUNICIPAL SECURITIES SUBCHAPTER A. APPROVAL OF MUNICIPAL SECURITIES BY ATTORNEY GENERAL

1 TAC §53.2, §53.16

The Office of the Attorney General (OAG) proposes amendments to §53.2 and §53.16 in Title 1 of the Texas Administrative Code (TAC), relating to the form of records and submission and approval of public finance transcripts. The proposed amendments are necessary to implement House Bill 4395, 89th Legislature, Regular Session, and serve the public interest.

EXPLANATION AND JUSTIFICATION OF RULES

During the 89th Regular Session (2025), the Legislature passed House Bill 4395 (H.B. 4395), effective January 1, 2026. H.B. 4395 amends Chapter 1202 of the Texas Government Code by adding Section 1202.0035, which requires (1) issuers of public securities to submit bond transcripts, including public securities, records or proceedings, credit agreements, and amendments thereto, to the OAG electronically and accompanied by an electronic signature, and (2) the OAG to deliver certain records related to the approval of those securities to the Texas Comptroller of Public Accounts (Comptroller) electronically and accompanied by an electronic signature. H.B. 4395 also requires the OAG to advise the proper legal authorities of the new statutory requirements and any other procedural changes to the submission and registration of public securities by December 1, 2025.

The proposed amendments to §53.2 and §53.16 establish the Texas Transcript Repository (TTR) system developed by the Comptroller in coordination with the Public Finance Division of the OAG (Division) as the database to which issuers will be required to submit and which will house records of proceedings (or transcripts) and related records. The proposed amendments also establish procedures and requirements for submission to the TTR system and make other changes consistent with the transition from paper to electronic records.

SECTION-BY-SECTION SUMMARY

Proposed amendments to §53.2 establish the TTR database, maintained by the Comptroller, as the location where issuers must file records of proceedings (or transcripts) and specify related formatting requirements. The proposed amendments eliminate formatting and submission requirements related to paper transcript submissions, renumber the subsections accordingly, and update language to align with plain language standards. The

proposed amendments require that the transcripts be filed in an electronic format and accompanied by an electronic signature. Proposed §53.2(1) clarifies that "transcript" and "record of proceedings" are functionally interchangeable. It also requires each transcript to be submitted as a series of files in Portable Document Format (PDF), and each file name must begin with a unique sequential number followed by the title or a description of the document. Proposed §53.2(2) requires each transcript to contain a table of contents that lists, for each document, the title or description and the unique number from the file name assigned to that document. Proposed new §53.2(4) requires each line of each document to be entirely legible. Proposed new §53.2(5) requires the text of each document to be searchable. Proposed new §53.2(6) requires issuers to email the Division proof of payment of the required filing fee and, when appropriate, a table showing voted bond authorization in a specified format.

Proposed amendments to §53.16 conform references to the Division across the section. Proposed §53.16(a) clarifies that "transcript" and "record of proceedings" are functionally interchangeable. Proposed §53.16(e) requires all outstanding requirements for final approval and the final versions of documents originally submitted in unexecuted or uncertified form to be submitted in an electronic format and accompanied by an electronic signature via the TTR system. Proposed §53.16(f) provides that the Division will notify the Comptroller of approval of public securities. The proposed amendments eliminate submission requirements related to paper or fax submissions, renumber the subsections accordingly, and update language to align with plain language standards. Proposed §53.16(k) replaces the return of transcripts process with a cancellation for transcripts on file with the Division for six months with no action.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS

Leslie Brock, Chief of the Public Finance Division, has determined that for the first five-year period the proposed rules are in effect, enforcing or administering the rules does not have foreseeable implications relating to cost or revenues of state or local government.

PUBLIC BENEFIT AND COST NOTE

Ms. Brock has determined that for the first five-year period the proposed rules are in effect, the public benefit of electronic submission of transcripts through a designated database maintained by the state will be efficiency, consistency, and security due to state agencies not accessing transcripts through third-party file share sites.

There is no anticipated economic cost to persons required to comply with the rules as amended.

IMPACT ON LOCAL EMPLOYMENT OR ECONOMY

Ms. Brock has determined that the proposed rules do not have an impact on local employment or economies because the proposed rules only impact governmental bodies. Therefore, no local employment or economy impact statement is required under Texas Government Code §2001.022.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Mr. Brock has determined that for each year of the first five-year period the proposed rules are in effect, there will be no foreseeable adverse fiscal impact on small business, micro-businesses, or rural communities as a result of the proposed rules.

Since the proposed rules will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

TAKINGS IMPACT ASSESSMENT

The OAG has determined that no private real property interests are affected by the proposed rules, and the proposed rules do not restrict, limit, or impose a burden on an owner's rights to the owner's private real property that would otherwise exist in the absence of government action. As a result, the proposed rules do not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with Texas Government Code §2001.0221, the OAG has prepared a government growth impact statement. During the first five years the proposed rules are in effect, the proposed rules:

- will not create a government program;
- will not require the creation or elimination of employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;
- will not lead to an increase or decrease in fees paid to a state agency;
- will create a new regulation;
- will not repeal an existing regulation;
- will not result in a decrease in the number of individuals subject to the rule; and
- will not positively or adversely affect the state's economy.

REQUEST FOR PUBLIC COMMENT

Written comments on the proposed rules may be submitted electronically to the OAG's Public Finance Division by email to OAGRuleCommentsCh53@oag.texas.gov, or by mail to Leslie Brock, Attn: Rule Comments, Office of the Attorney General, P.O. Box 12548, Austin, Texas 78711-2548. Comments will be accepted for 30 days following publication in the *Texas Register*.

To request a public hearing on the proposal, submit a request before the end of the comment period by email to OAGRuleCommentsCh53@oag.texas.gov, or by mail to Leslie Brock, Attn: Rule Comments, Office of the Attorney General, P.O. Box 12548, Austin, Texas 78711-2548.

STATUTORY AUTHORITY

The amendments to 1 TAC Chapter 53 are proposed pursuant to Texas Government Code §1202.0035, which requires electronic submission and delivery of public securities and related records.

CROSS-REFERENCE TO STATUTE.

These rules clarify Texas Government Code §§1202.003-0035. No other rule, regulation, or law is affected by the proposed rule amendments.

§53.2. *Form of Records.*

Records of proceedings or transcripts must [shall] be submitted to the Public Finance Division (Division) of the Office of the Attorney General in an electronic format and accompanied by an electronic signature via the Texas Transcript Repository system maintained by the Texas Comptroller of Public Accounts. All transcripts must [records of proceedings shall] conform to the following requirements:

(1) each transcript must [shall] be submitted as a series of files in Portable Document Format (PDF), and each file name must begin with a unique sequential number, followed by the title or a description of the document [in an appropriately sized expanding file folder];

{(2) the transcript page size shall not exceed 8 1/2 by 11 inches, and each line of each page should be entirely legible. (Oversize documents, such as maps and charts, should be folded within the 8 1/2 by 11 inch requirement);}

(2) [(3)] each transcript must [shall] contain a table of contents that lists, for each document, the title or description and the unique number from the file name assigned to that document;

{(4) each transcript shall have the table of contents keyed to right side tab numbers; and}

(3) [(5)] each transcript must [shall] be arranged in chronological order or in some other consistent, logical arrangement that will permit an efficient review;{:-}

(4) each line of each document must be entirely legible;

(5) the text of each document must be searchable; and

(6) each transcript must be accompanied, via email to the Division, by:

(A) proof of payment of the required fee in the form of a wire transfer receipt; and

(B) if voted authorization is being used, a table in Excel format showing, for each proposition, the amount authorized, the amount used for each issuance, and the remaining authorized amount.

§53.16. *Submission and Approval of Transcripts.*

(a) Submitting Attorney. A record of proceedings or transcript must be submitted by an attorney licensed in Texas.

(b) Submission Deadlines. An issuer must submit its record of proceedings at least 10 working days prior to closing for traditional financings, and at least 12 working days prior to closing for nonprofit corporation or other conduit issuer financings. In the cover letter for the transcript submission, bond counsel must advise the [Public Finance] Division if [of public securities requiring the delivery of] an approving opinion is required earlier than the standard timeframe [normally provided] and must submit the record of proceedings a corresponding amount of additional time prior to the proposed closing date. These time periods may be increased with advance notice from the [Public Finance] Division in an All Bond Counsel Letter. Record of proceedings must be submitted in substantially final form. Preliminary or pro-forma proceedings will not be accepted for review without prior approval for good cause shown when the current [Public Finance] Division workload allows. Black-lined pages identifying changes must accompany

any changed pages to the record of proceedings. An issuer's failure to submit a substantially complete record of proceedings prior to the expected release date of a preliminary approval letter under subsection (d) of this section may prevent the release of approved public securities by the proposed closing date.

(c) (No change.)

(d) Preliminary Approval Letters. No preliminary approval letter from the [Public Finance] Division should be expected until the end of the fifth working day preceding the date set for closing, or an earlier date as requested by bond counsel in writing, if the time requirements for an earlier approval date have been met. If the issuer fails to submit a substantially complete record of proceedings, the [Public Finance] Division may delay the release of the preliminary approval letter until such time as a substantially complete record of proceedings is received. After receipt by bond counsel of a preliminary approval letter relative to a given issue, bond counsel must [shall] supply a written response to any questions, enclosing, when requested, missing or substituted documentation. Intervening telephone discussion is welcome, and confirmation of any verbal waivers or modifications to the preliminary approval requirements should be included in the reply letter.

(e) Submission of Final Documents. Any outstanding requirements for final approval as well as the final versions of documents originally submitted in unexecuted or uncertified form, which must [shall] be executed as required by law, must be submitted in an electronic format and accompanied by an electronic signature via the Texas Transcript Repository system no later than three working days prior to closing. Exceptions to this requirement may be granted by the [Public Finance] Division for good cause, if the current workload allows.

(f) Registration of Public Securities. If all requirements have been satisfied, the Division will notify the Texas Comptroller of Public Accounts of approved public securities [generally will be sent by the Public Finance Division to the Texas Comptroller of Public Accounts] for registration two days prior to the proposed closing date.

(g) Approval of Certain Contracts. For a record of proceedings in which specific approval by the Office of the Attorney General of a contract providing revenue or security to pay the public security is required, the proceedings, including the contract, must be supplied in final and executed or certified form by the time of approval.

(h) [(i)] No Guarantee of Final Approval. Receipt of a preliminary approval letter does not constitute a guarantee of final approval of the public securities and should not be relied upon as such. Closings may be delayed if required documents are not timely filed or if there are unresolved legal issues. Furthermore, the Office of the Attorney General does not represent, assure or guarantee completion of transcript examination or the issuance of transcript approval by any specific date or time.

[(h)] Agreements to be Registered by Texas Comptroller of Public Accounts. For agreements required by law to be registered by the Texas Comptroller of Public Accounts, such as lease purchase agreements, the issuer must submit two fully executed agreements. One will be registered with the Texas Comptroller of Public Accounts and returned to the issuer, and the second will remain with the transcript file.]

(i) [(j)] Calculation of Deadlines. For calculations under this section, the day of submission is counted if the record of proceedings is received by 3:00 p.m., but the day of closing is not counted. If bond counsel states that it is satisfactory for the public securities to be registered by the Texas Comptroller of Public Accounts the day before closing, then one day may be subtracted from the time requirements. If approval is requested a certain number of days prior to closing, then

the time requirements are counted back from the requested approval day, not from closing.

(j) [(k)] Review of Forward Deliveries. An opinion for forward delivery public securities will not be delivered until shortly before the delivery date of the public securities. A preliminary approval letter will be provided, and subsequently, if requested, the reviewing attorney will confirm that all outstanding requirements have been satisfied, to the extent this has occurred. An extensive "settlement certificate" generally setting forth information of the nature required to be in general and no-litigation certificates and confirming that there have been no material changes made to the transcript previously reviewed by this office will be required before the opinion is given.

(k) [(l)] Cancellation of Submission. [Return of Record of Proceedings.] A record of proceedings on file with the [Public Finance] Division for six (6) months with no action will be canceled [returned to bond counsel]. Should any such proceedings be resubmitted, a new fee will be required.

[(m)] Facsimile Transmissions. Unless specifically requested or approved by the Public Finance Division, no fax transmissions of more than 20 pages may be sent to the Public Finance Division. Unless specifically requested, material should not be faxed in the late afternoon or evening if it is being sent by overnight delivery.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504393

Justin Gordon

General Counsel

Office of the Attorney General

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 475-3210



TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 7. PESTICIDES

SUBCHAPTER B. REGISTRATION

4 TAC §7.10

The Texas Department of Agriculture (the Department) proposes amendments to the Texas Administrative Code, Title 4, Part 1, Chapter 7, Subchapter B (Registration), §7.10, relating to Registration of Pesticides.

The proposed amendments to §7.10 add a new subsection to the rule allowing pesticide registrants to cancel a registration of a pesticide by either discontinuing its registration or initiating a recall to remove it from the channels of trade.

The proposed amendments to §7.10 align with the amendments to Section 76.041 of the Texas Agriculture Code enacted by passage of H.B. 1761, 88th Legislature, Regular Session. Those amendments remove the requirement that a registrant continue to maintain a pesticide's registration as long as it remains in the

channels of trade in the state. Specifically, the amendments allow a registrant to stop a pesticide's registration either by discontinuing its distribution or initiating a recall. Upon submission of an application to discontinue registration of a pesticide, the registrant will pay a fee of \$600, which represents the equivalent of a final registration fee.

LOCAL EMPLOYMENT IMPACT STATEMENT: Philip Wright, Administrator for Regulatory Affairs, has determined that the proposed amendments will not affect a local economy, so the Department is not required to prepare a local employment impact statement under Texas Government Code, §2001.022.

GOVERNMENT GROWTH IMPACT STATEMENT: Mr. Wright has provided the following government growth impact statement for the proposal, as required pursuant to Texas Government Code, §2001.0221. As a result of implementing the proposal, for each of the first five years the proposed rules are in effect:

- (1) no government or Department programs will be created or eliminated;
- (2) no employee positions will be created or eliminated,
- (3) there will not be an increase or decrease in future legislative appropriations to the Department,
- (4) there will be an overall decrease in fees paid to the Department, as registrants would no longer be required to continue to register pesticides and pay registration fees indefinitely;
- (5) there will be a new regulation created by the proposal;
- (6) there will be no expansion, limitation or repeal of existing regulations;
- (7) there will be no increase or decrease to the number of individuals subject to the rules; and
- (8) the proposal will not have a positive nor negative impact on the Texas economy, as there are no costs associated with the proposal or its enforcement.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT: Philip Wright has determined that for the first five-year period the proposal is in effect, there will be no fiscal implications for state or local government.

PUBLIC BENEFITS AND COSTS: Mr. Wright has determined that for each year of the first five years the proposed amendments are in effect, the public benefit will be increased consumer protection regarding potentially hazardous products as the regulation more effectively ensures pesticide registrants comply with registration requirements.

Mr. Wright has further determined that there are no anticipated economic costs. The proposed amendments establish a final registration fee for registrants, rather than continuation of a registration fee while pesticides remain in channels of trade.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES: Mr. Wright has determined that there is no adverse economic impact on small businesses, micro-businesses and rural communities as a result of the proposed amendments. Therefore, preparation of an economic impact statement and a regulatory flexibility analysis, as detailed under Texas Government Code, §2006.002 is not required.

COST INCREASE TO REGULATED PERSONS

The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT

The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

Written comments on the proposed rule amendments may be submitted to Mr. Philip Wright, Administrator for Regulatory Affairs, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, or by email to: Philip.Wright@TexasAgriculture.gov. Comments must be submitted no later than 30 days from the date of publication of the rule proposal in the *Texas Register*.

The amendments are proposed pursuant to Section 76.004 of the Texas Agriculture Code (Code), which allows the Department to adopt rules for carrying out provisions of Chapter 76 of the Code.

Chapters 12 and 76 of the Texas Agriculture Code are affected by the proposed rule amendment.

§7.10. *Registration of Pesticides.*

(a) - (f) (No change.)

(g) A pesticide shall be considered unregistered upon the cancellation of its registration. A registrant can cancel a pesticide registration by discontinuing the pesticide from distribution or initiating a recall of the pesticide from distribution to remove it from the channels of trade.

(1) A registrant must submit an application notifying the department of the pesticide's discontinuance and stop distributing the pesticide. The pesticide may continue to be in the channels of trade until the second anniversary of the date of discontinuance. The application for discontinuance shall include:

(A) the effective date the pesticide has been or will be discontinued from distribution in the state and

(B) a fee of \$600 per product that is being discontinued.

(2) A registrant that initiates a recall of a pesticide from distribution to remove the pesticide from the channels of trade before the pesticide's registration expires does not need to continue to register the pesticide after the registration expiration date.

(3) The pesticide will be considered registered until the earlier of:

(A) the second anniversary of the date the registrant stops distributing the pesticide in this state or

(B) the date no pesticide remains in the channels of trade in this state.

(h) [(g)] Any written recommendations allowed by FIFRA 2(ee) must be approved by the department prior to being released into the channels of trade.

(i) [(h)] Registration is not required for a chemical composition being used only to develop plot data on a total of 10 acres or less in the state.

(j) [(i)] After a product is registered with the department, the registrant shall provide the department the most current pesticide product label any time the product label is amended. Before distributing the

revised product label, the registrant must have written department approval and have met any additional federal requirements.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504356

Susan Maldonado

General Counsel

Texas Department of Agriculture

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 463-6591



TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 97. PLANNING AND ACCOUNTABILITY

SUBCHAPTER AA. ACCOUNTABILITY AND PERFORMANCE MONITORING

19 TAC §97.1001

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure in 19 TAC §97.1001(b) is not included in the print version of the Texas Register. The figure is available in the on-line version of the December 12, 2025, issue of the Texas Register.)

The Texas Education Agency (TEA) proposes an amendment to §97.1001, concerning the accountability rating system. The proposed amendment would adopt in rule applicable excerpts of the *2027 Accountability Manual*, which include provisions to implement House Bill (HB) 6, 89th Texas Legislature, Regular Session, 2025. Earlier versions of the manuals will remain in effect with respect to the school years for which they were developed.

BACKGROUND INFORMATION AND JUSTIFICATION: TEA has adopted its academic accountability manual in rule since 2000 under §97.1001. The accountability system evolves from year to year, so the criteria and standards for rating and acknowledging schools in the most current year differ to some degree from those applied in the prior year.

The proposed amendment to §97.1001 would adopt excerpts of the *2027 Accountability Manual* into rule as a figure. The excerpts, Chapters 1-12 of the *2027 Accountability Manual*, specify the indicators, standards, and procedures used by the commissioner to determine accountability ratings for districts, campuses, and charter schools. These chapters also specify indicators, standards, and procedures used to determine distinction designations on additional indicators for Texas public-school campuses and districts. Chapter 12 describes the specific criteria and calculations that will be used to assign 2027 Results Driven Accountability (RDA) performance levels. Ratings may be revised as a result of investigative activities by the commissioner as authorized under Texas Education Code (TEC), §39.056 and §39.003.

Following is a chapter-by-chapter summary of the changes for this year's manual. In every chapter, dates and years for which data are considered would be updated to align with 2027 accountability and RDA. Edits for clarity regarding consistent language and terminology throughout each chapter would be embedded within the proposed *2027 Accountability Manual*.

Chapter 1 gives an overview of the entire accountability system. The "Who is Rated?" section would now include the new Public Education Information Management System Fall Enrollment Submission, which begins in the 2026-2027 school year. Language would be adjusted to reflect four years of data for indicators related to earning an industry-based certification (IBC), dual credit, or an associate degree. The description of the Data Validation System would be revised to highlight its role in ensuring education-related programs are implemented with fidelity.

Chapter 2 describes the "Student Achievement" domain. The College, Career, and Military Readiness component would be clarified, including updates to dual course credit criteria and definitions for Level I and Level II certificates. New language would outline requirements for dual credit courses, including curriculum crosswalks and annual memorandums of understanding between districts and partnering institutions of higher education. Language would be added to reflect updated requirements for IBCs and Programs of Study.

Chapter 3 describes the "School Progress" domain. The Part A: Academic Growth: Annual Growth-Methodology section would be revised to clarify annual growth methodology by explicitly stating eligibility rules for the State of Texas Assessments of Academic Readiness (STAAR®) and STAAR® Alternate 2 assessments, adding exclusions for certain score codes and specifying how growth is measured across grade levels and language transitions.

Chapter 4 describes the "Closing the Gaps" domain. References to "migrant" would be changed to "migratory" to align with agency guidelines. Language would be added to clarify that when a student group meets minimum size but lacks prior-year data or was measured with small numbers analysis, the campus cannot earn one or two points for that component in the current year. The methodology for Academic Achievement-Minimum Size Criteria and Small Numbers Analysis would be clarified.

Chapter 5 describes how the overall ratings are calculated. No major changes would be made beyond updates for year references.

Chapter 6 describes distinction designations. No major changes would be made beyond updates for terminology and year references.

Chapter 7 describes the pairing process and the alternative education accountability provisions. Language would be added to clarify that paired data from the Closing the Gaps domain are used for School Improvement identification.

Chapter 8 describes the process for appealing ratings. Language would be added to clarify that campuses cannot appeal identification for comprehensive, targeted, or additional targeted support interventions, but a granted Closing the Gaps appeal can update identification. Additionally, new language for Local Accountability System (LAS) appeals would be introduced, effective in 2027, along with clarifications on general considerations and the appeals submission process.

Chapter 9 describes the responsibilities of TEA, the responsibilities of school districts and open-enrollment charter schools,

and the consequences to school districts and open-enrollment charter schools related to accountability and interventions. Language would be added to move the campus number request deadline from September 1 to May 31 in alignment with anticipated changes to 19 TAC §97.1066.

Chapter 10 provides information on the federally required identification of schools for improvement. The Overview section would be updated to clarify the Every Student Succeeds Act (ESSA) alignment for school improvement identification, adding language specifying that campuses paired for state accountability fulfill ESSA requirements for Comprehensive Support and Improvement, Targeted Support and Improvement, and Additional Targeted Support identifications.

Chapter 11 describes LAS. The LAS Appeals section would be revised to reference the state accountability appeals process in Chapter 8, including appeal steps for LAS and state ratings.

Chapter 12 describes the RDA system. HB 6, 89th Texas Legislature, Regular Session, 2025 changes would be implemented, including the removal of performance level assignments for discipline indicators and the exclusion of those indicators from determination-level calculations. The federally required significant disproportionality risk ratio threshold has been adjusted from 2.5 to 3.0. Additionally, indicator names would be fully updated in accordance with the requirements of the prior 2026 chapter, including revised terminology to "Alternative Methods."

FISCAL IMPACT: Iris Tian, deputy commissioner for analytics, assessment, and reporting, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would limit an existing regulation due to its effect on school accountability for 2027.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or repeal an existing regulation; would not increase or decrease the number of individuals subject to

its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Tian has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to continue to inform the public of the existence of annual manuals specifying rating procedures for public schools by including this rule in the *Texas Administrative Code*. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins December 12, 2025, and ends January 12, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on December 12, 2025. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §7.021(b)(1), which authorizes the Texas Education Agency (TEA) to administer and monitor compliance with education programs required by federal or state law, including federal funding and state funding for those programs; TEC, §7.028, which authorizes TEA to monitor as necessary to ensure school district and charter school compliance with federal law and regulations, financial integrity, and data integrity and authorizes the agency to monitor school district and charter schools through its investigative process. TEC, §7.028(a), authorizes TEA to monitor special education programs for compliance with state and federal laws; TEC, §12.056, which requires that a campus or program for which a charter is granted under TEC, Chapter 12, Subchapter C, is subject to any prohibition relating to the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with TEC, Chapter 12, Subchapter C, as determined by the commissioner; high school graduation under TEC, §28.025; special education programs under TEC, Chapter 29, Subchapter A; bilingual education under TEC, Chapter 29, Subchapter B; and public school accountability under TEC, Chapter 39, Subchapters B, C, D, F, and J, and Chapter 39A; TEC, §12.104, which states that a charter granted under TEC, Chapter 12, Subchapter D, is subject to a prohibition, restriction, or requirement, as applicable, imposed by TEC, Title 2, or a rule adopted under TEC, Title 2, relating to PEIMS to the extent necessary to monitor compliance with TEC, Chapter 12, Subchapter D, as determined by the commissioner; high school graduation requirements under TEC, §28.025; special education programs under TEC, Chapter 29, Subchapter A; bilingual

education under TEC, Chapter 29, Subchapter B; discipline management practices or behavior management techniques under TEC, §37.0021; public school accountability under TEC, Chapter 39, Subchapters B, C, D, F, G, and J, and Chapter 39A; and intensive programs of instruction under TEC, §28.0213; TEC, §29.001, which authorizes TEA to effectively monitor all local educational agencies (LEAs) to ensure that rules relating to the delivery of services to children with disabilities are applied in a consistent and uniform manner, to ensure that LEAs are complying with those rules, and to ensure that specific reports filed by LEAs are accurate and complete; TEC, §29.0011(b), which authorizes TEA to meet the requirements under (1) 20 U.S.C. §1418(d) and its implementing regulations to collect and examine data to determine whether significant disproportionality based on race or ethnicity is occurring in the state and in the school districts and open-enrollment charter schools in the state with respect to the (a) identification of children as children with disabilities, including the identification of children as children with particular impairments; (b) placement of children with disabilities in particular educational settings; and (c) incidence, duration, and type of disciplinary actions taken against children with disabilities including suspensions or expulsions; or (2) 20 U.S.C. §1416(a)(3)(C) and its implementing regulations to address in the statewide plan the percentage of schools with disproportionate representation of racial and ethnic groups in special education and related services and in specific disability categories that results from inappropriate identification; TEC, §29.010(a), which authorizes TEA to adopt and implement a comprehensive system for monitoring LEA compliance with federal and state laws relating to special education, including ongoing analysis of LEA special education data; TEC, §29.062, which authorizes TEA to evaluate and monitor the effectiveness of LEA programs and apply sanctions concerning emergent bilingual students; TEC, §29.066, which authorizes PEIMS reporting requirements for school districts that are required to offer bilingual education or special language programs to include the following information in the district's PEIMS report (1) demographic information, as determined by the commissioner, on students enrolled in district bilingual education or special language programs; (2) the number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the district; and (3) the number and percentage of emergent bilingual students who do not receive specialized instruction; TEC, §29.081(e), (e-1), and (e-2), which define criteria for alternative education programs for students at risk of dropping out of school and subjects those campuses to the performance indicators and accountability standards adopted for alternative education programs; TEC, §29.201 and §29.202, which describe the Public Education Grant program and eligibility requirements; TEC, §39.003 and §39.004, which authorize the commissioner to adopt procedures relating to special investigations. TEC, §39.003(d), allows the commissioner to take appropriate action under Chapter 39A, to lower the district's accreditation status or the district's or campus's accountability rating based on the results of the special investigation; TEC, §39.051 and §39.052, which authorize the commissioner to determine criteria for accreditation statuses and to determine the accreditation status of each school district and open-enrollment charter school; TEC, §39.053, which authorizes the commissioner to adopt a set of indicators of the quality of learning and achievement and requires the commissioner to periodically review the indicators for consideration of appropriate revisions; TEC, §39.054, which requires the commissioner to adopt rules to evaluate school

district and campus performance and to assign a performance rating; TEC, §39.0541, which authorizes the commissioner to adopt indicators and standards under TEC, Chapter 39, Subchapter C, at any time during a school year before the evaluation of a school district or campus; TEC, §39.0543, which describes acceptable and unacceptable performance as referenced in law; TEC, §39.0546, which requires the commissioner to assign a school district or campus a rating of "Not Rated" for the 2021-2022 school year, unless, after reviewing the district or campus under the methods and standards adopted under TEC, §39.054, the commissioner determines the district or campus should be assigned an overall performance rating of C or higher; TEC, §39.0548, which requires the commissioner to designate campuses that meet specific criteria as dropout recovery schools and to use specific indicators to evaluate them; TEC, §39.055, which prohibits the use of assessment results and other performance indicators of students in a residential facility in state accountability; TEC, §39.056, which authorizes the commissioner to adopt procedures relating to monitoring reviews and special investigations; TEC, §39.151, which provides a process for a school district or an open-enrollment charter school to challenge an academic or financial accountability rating; TEC, §39.201, which requires the commissioner to award distinction designations to a campus or district for outstanding performance; TEC, §39.2011, which makes open-enrollment charter schools and campuses that earn an acceptable rating eligible for distinction designations; TEC, §39.202 and §39.203, which authorize the commissioner to establish criteria for distinction designations for campuses and districts; TEC, §39A.001, which authorizes the commissioner to take any of the actions authorized by TEC, Chapter 39, Subchapter A, to the extent the commissioner determines necessary if a school does not satisfy the academic performance standards under TEC, §39.053 or §39.054, or based upon a special investigation; TEC, §39A.002, which authorizes the commissioner to take certain actions if a school district becomes subject to commissioner action under TEC, §39A.001; TEC, §39A.004, which authorizes the commissioner to appoint a board of managers to exercise the powers and duties of a school district's board of trustees if the district is subject to commissioner action under TEC, §39A.001, and has a current accreditation status of accredited-warned or accredited-probation; or fails to satisfy any standard under TEC, §39.054(e); or fails to satisfy any financial accountability standard; TEC, §39A.005, which authorizes the commissioner to revoke school accreditation if the district is subject to TEC, §39A.001, and for two consecutive school years has received an accreditation status of accredited-warned or accredited-probation, failed to satisfy any standard under TEC, §39.054(e), or failed to satisfy a financial performance standard; TEC, §39A.007, which authorizes the commissioner to impose a sanction designed to improve high school completion rates if the district has failed to satisfy any standard under TEC, §39.054(e), due to high school completion rates; TEC, §39A.051, which authorizes the commissioner to take action based on campus performance that is below any standard under TEC, §39.054(e); and TEC, §39A.063, which authorizes the commissioner to accept substantially similar intervention measures as required by federal accountability measures in compliance with TEC, Chapter 39A.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§7.021(b)(1); 7.028; 12.056; 12.104; 29.001; 29.0011(b); 29.010(a); 29.062; 29.066; 29.081(e), (e-1), and (e-2); 29.201; 29.202; 39.003; 39.004; 39.051; 39.052; 39.053; 39.054; 39.0541; 39.0543; 39.0546;

39.0548; 39.055; 39.056; 39.151; 39.201; 39.2011; 39.202; 39.203; 39A.001; 39A.002; 39A.004; 39A.005; 39A.007; 39A.051; and 39A.063.

§97.1001. Accountability Rating System.

(a) The rating standards established by the commissioner of education under Texas Education Code (TEC), §§39.052(a) and (b)(1)(A); 39.053; 39.054; 39.0541; 39.0548; 39.055; 39.151; 39.201; 39.2011; 39.202; 39.203; 29.081(e), (e-1), and (e-2); and 12.104(b)(2)(L), shall be used to evaluate the performance of districts, campuses, and charter schools. The indicators, standards, and procedures used to determine ratings will be annually published in official Texas Education Agency publications. These publications will be widely disseminated and cover the following:

- (1) indicators, standards, and procedures used to determine district ratings;
- (2) indicators, standards, and procedures used to determine campus ratings;
- (3) indicators, standards, and procedures used to determine distinction designations; and
- (4) procedures for submitting a rating appeal.

(b) The procedures by which districts, campuses, and charter schools are rated and acknowledged for 2027 [2026] are based upon specific criteria and calculations, which are described in excerpted sections of the 2027 [2026] *Accountability Manual* provided in this subsection.

Figure: 19 TAC §97.1001(b)

[Figure: 19 TAC §97.1001(b)]

(c) Ratings may be revised as a result of investigative activities by the commissioner as authorized under TEC, §39.003.

(d) The specific criteria and calculations used in the accountability manual are established annually by the commissioner and communicated to all school districts and charter schools.

(e) The specific criteria and calculations used in the annual accountability manual adopted for prior school years remain in effect for all purposes, including accountability, data standards, and audits, with respect to those school years.

(f) In accordance with TEC, §7.028(a), the purpose of the Results Driven Accountability (RDA) framework is to evaluate and report annually on the performance of school districts and charter schools for certain populations of students included in selected program areas. The performance of a school district or charter school is included in the RDA report through indicators of student performance and program effectiveness and corresponding performance levels established by the commissioner.

(g) The assignment of performance levels for school districts and charter schools in the 2027 [2026] RDA report is based on specific criteria and calculations, which are described in the 2027 [2026] *Accountability Manual* provided in subsection (b) of this section.

(h) The specific criteria and calculations used in the RDA framework are established annually by the commissioner and communicated to all school districts and charter schools.

(i) The specific criteria and calculations used in the annual RDA manual adopted for prior school years remain in effect for all purposes, including accountability and performance monitoring, data standards, and audits, with respect to those school years.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Director, Rulemaking

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For further information, please call: (512) 475-1497



CHAPTER 150. COMMISSIONER'S RULES CONCERNING EDUCATOR APPRAISAL

The Texas Education Agency (TEA) proposes the repeal of §§150.1012 - 150.1014, and new §§150.1041 - 150.1043, concerning educator appraisal. The proposed repeals and new rules would implement House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, and establish requirements for enhanced teacher incentive allotment systems, modify teacher designation policies to account for new designation levels, and update teacher designation performance standards.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code (TEC), §21.3521, establishes a local optional teacher designation system and enhanced teacher incentive allotment designation, and TEC, §48.112, establishes a teacher incentive allotment. Section 150.1012 implements the statutes by establishing the requirements for school districts and charter schools to implement local teacher designation systems. Section 150.1013 implements the statutes by establishing designation requirements for National Board Certified teachers. Section 150.1014 implements the statutes by specifying performance standards for teacher designations.

New Chapter 150, Subchapter DD, would establish the commissioner of education's rules concerning educator appraisal and teacher designation systems under the Teacher Incentive Allotment (TIA). The proposed new rules would expand the framework to support enhanced teacher incentive allotment designation systems, clarify eligibility and funding provisions, and align performance standards with statutory requirements under TEC, §21.3521 and §48.112.

Enhanced teacher incentive allotment systems will require an administrator evaluation component, which exceeds the scope of teacher appraisal. The proposed repeal would remove existing rules in Subchapter AA, Teacher Appraisal, and propose new Subchapter DD, Teacher Incentive Allotment, to reflect the evolution of the TIA program and consolidate provisions related to teacher designation systems. Specifically, the proposal would repeal §§150.1012, 150.1013, and 150.1014 and create new §§150.1041, 150.1042, and 150.1043.

Proposed new §150.1041 would expand the definitions applicable to local optional teacher designation systems to include "core content areas," "Enhanced Teacher Incentive Allotment System," "school leaders," and "strategic compensation." These additions are necessary to implement the enhanced designation framework and support strategic staffing and compensation planning.

Proposed new §150.1041 would expand the definition of designated teachers to include "acknowledged" and "nationally board certified" teachers in alignment with amendments to TEC, §21.3521.

Proposed new §150.1041(a)(2) would revise the fee structure for system renewal to differentiate between school districts based on enrollment size and rural status, thereby aligning renewal costs with district capacity and geographic context. Non-rural school districts with enrollment under 1,000 students would pay the same reduced system renewal fee as rural districts.

Proposed new §150.1041(b) would clarify teacher designation eligibility requirements to account for the new designation level "acknowledged" and add a redesignation provision for master teachers whose designation is set to expire within one year. These changes are intended to ensure continuity of recognition for high-performing educators.

Proposed new §150.1041(b)(1)(A) and §150.1042(b)(1)(A) and (5) would update the data element term "role ID" to "staff classification" and data element term "class role" to "classroom position." This would align the rule with updates to Texas Student Data Standards (TSDS) descriptor tables.

Proposed new §150.1041(c)(3) would establish criteria for school districts seeking an enhanced teacher incentive allotment designation, including implementation of strategic compensation systems, administrator appraisal components, and performance-based salary schedules. These provisions are designed to support districts in aligning compensation with educator effectiveness and student need.

Proposed new §150.1041(d)(1)(K) would require school districts to seek approval for modifications to enhanced teacher incentive allotment designation application components, ensuring that changes to strategic compensation plans are reviewed by TEA prior to implementation.

Proposed new §150.1041(f)(1) would streamline the system renewal criteria for local optional teacher designation systems by removing requirements for prior system approval or provisional approval. This would simplify the system renewal timeline for districts to align with the original application submission year.

Proposed new §150.1041(f)(2) would incorporate clarifying language to delineate statutory spending requirements applicable to funds received for individual teacher designations versus those received for enhanced teacher incentive allotment systems.

Proposed new §150.1042(b)(2) would sunset the recognized designation for National Board Certified teachers effective August 1, 2026, and redesignate such teachers as nationally board certified to align with the updated designation level in TEC, §21.3521.

Proposed new §150.1042(b)(6) would clarify that school districts may not receive duplicate funding for teachers designated under both National Board and local designation systems, which would align with prior policies for teachers with a current recognized designation.

Proposed new §150.1043(b)(1) would establish teacher observation and student growth performance standards for the new acknowledged level designation. The subsection would also remove the teacher observation minimum proficiency score requirement for designation eligibility and expand access to teacher designations.

The proposed repeals and new rules are necessary to implement statutory changes, improve clarity and consistency in rule language, and support the continued development of high-quality teacher designation systems across Texas school districts.

FISCAL IMPACT: Andrew Hodge, associate commissioner for system innovation, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal existing regulations and create new regulations. The proposal may require an increase or decrease in fees paid to the agency, depending on the type and number of districts that implement local designation systems each year.

It would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not expand or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Hodge has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to strengthen educator recognition systems and align compensation with teacher effectiveness, thereby supporting improved student outcomes. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period

on the proposal begins December 12, 2025, and ends January 12, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on December 12, 2025. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

SUBCHAPTER AA. TEACHER APPRAISAL

19 TAC §§150.1012 - 150.1014

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.3521, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which specifies that the commissioner of education shall ensure that local optional teacher designation systems meet the statutory requirements for the system; shall prioritize high needs campuses; shall enter into a memorandum of understanding with Texas Tech University regarding the assessment of local iterations of the local optional teacher designation system; shall periodically conduct evaluations of the effectiveness of the local optional teacher designation system; may adopt fees, which are exempted from the requirements of Texas Government Code, §2001.0045 and §2001.0221, to implement the local optional teacher designation system; may adopt rules to implement the local optional teacher designation system; and shall, using criteria developed by the commissioner, designate as enhanced teacher incentive allotment systems public schools school districts and open-enrollment charter schools that implement comprehensive school evaluation systems; and TEC, §48.112, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to designate rural campuses and annually make available to the public a list of campuses with projected allotment amounts per teacher designation at each campus; and assign an average point value to a student enrolled in the Texas School for the Deaf and the Texas School for the Blind and Visually Impaired.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code, §21.3521 and §48.112, as amended by House Bill 2, 89th Texas Legislature, Regular Session, 2025.

§150.1012. *Local Optional Teacher Designation System.*

§150.1013. *National Board for Professional Teaching Standards.*

§150.1014. *Teacher Designation Performance Standards.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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For further information, please call: (512) 475-1497



SUBCHAPTER DD. TEACHER INCENTIVE ALLOTMENT

19 TAC §§150.1041 - 150.1043

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.3521, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which specifies that the commissioner of education shall ensure that local optional teacher designation systems meet the statutory requirements for the system; shall prioritize high needs campuses; shall enter into a memorandum of understanding with Texas Tech University regarding the assessment of local iterations of the local optional teacher designation system; shall periodically conduct evaluations of the effectiveness of the local optional teacher designation system; may adopt fees, which are exempted from the requirements of Texas Government Code, §2001.0045 and §2001.0221, to implement the local optional teacher designation system; may adopt rules to implement the local optional teacher designation system; and shall, using criteria developed by the commissioner, designate as enhanced teacher incentive allotment systems public schools school districts and open-enrollment charter schools that implement comprehensive school evaluation systems; and TEC, §48.112, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to designate rural campuses and annually make available to the public a list of campuses with projected allotment amounts per teacher designation at each campus; and assign an average point value to a student enrolled in the Texas School for the Deaf and the Texas School for the Blind and Visually Impaired.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §21.3521 and §48.112, as amended by House Bill 2, 89th Texas Legislature, Regular Session, 2025.

§150.1041. *Local Optional Teacher Designation System.*

(a) *General provisions.*

(1) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise.

(A) *Beginning of course--*The first nine weeks of a year-long course or the first six weeks of a semester course.

(B) *Charter school--*A Texas public school that meets one of the following criteria:

(i) is operated by a charter holder under an open-enrollment charter granted either by the State Board of Education or commissioner of education pursuant to Texas Education Code (TEC), §12.101, identified with its own county-district number;

(ii) has a charter granted under TEC, Chapter 12, Subchapter C, and is eligible for benefits under TEC, §11.174 and §48.252;

(iii) has a charter granted under TEC, §29.259, and Human Resources Code, §221.002; or

(iv) has a charter granted under TEC, §11.157(b).

(C) *Classroom teacher--*An educator, as defined by TEC, §5.001, who is employed by a school district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide or a full-time administrator.

(D) Core content areas--Language arts, mathematics, social studies, and science courses.

(E) Data capture year--The school year in which the teacher observation and student growth measure data is collected based on the accepted local teacher designation system.

(F) Designated teacher--An acknowledged, exemplary, master, nationally board certified, or recognized teacher.

(G) Eligible teaching assignment--An assignment based on campus, subject taught, or grade taught.

(H) End of course--The last 12 weeks of a year-long course or the last six weeks of a semester course.

(I) Enhanced Teacher Incentive Allotment System--A designation awarded to a school district implementing an approved strategic compensation system that provides for increased Teacher Incentive Allotment funding.

(J) National Board certification--Certification issued by the National Board for Professional Teaching Standards.

(K) Provisional approval--Conditional approval of a school district local optional teacher designation system or enhanced teacher incentive allotment system that would require resubmission of system review, data validation, additional required documentation, video submission, and/or other technical assistance for further data submission.

(L) Reliability--The degree to which an instrument used to measure teacher performance and student growth produces stable and consistent results.

(M) Rural--A campus within a school district with fewer than 5,000 enrolled students that is categorized as one of the following:

(i) rural, non-metropolitan: stable, or non-metropolitan: fast-growing district type by the Texas Education Agency (TEA);

(ii) a campus within a school district with fewer than 5,000 enrolled students categorized as rural by the National Center for Education Statistics; or

(iii) a campus defined in TEC, §48.112(a)(1).

(N) School district--The definition of a school district includes charter schools as defined in subparagraph (B) of this paragraph.

(O) School leaders--Campus administrators, including principals and assistant principals.

(P) Strategic compensation--A performance-based human resources strategy that entails the design and implementation of a compensation plan that is aligned with the objectives and culture of a school district.

(Q) Student growth--Student academic progress achieved in response to the pedagogical practices of teachers, as measured at the individual teacher level by one or more measures of student growth aligned to the standards of the course.

(R) Teacher category--One or more eligible teaching assignments evaluated with the same teacher observation rubric, student growth measure, and optional components and weighting as defined in a district's local designation system.

(S) Teacher observation--One or more observations of a teacher instructing students for a minimum of 45 minutes or multiple observations that aggregate to at least 45 minutes.

(T) Texas Student Data System (TSDS)--Data collected annually during the Class Roster Winter Submission.

(U) Validity--The degree to which an instrument used to measure teacher performance and student growth measures what it is intended to measure.

(2) Fees for teacher incentive allotment teacher designation and system renewal. A school district requesting approval of a teacher designation system or renewal of such a system shall pay the applicable fees listed in subparagraphs (A) and (B) of this paragraph. The following fees must be paid by the district and cannot be paid by the teachers submitted for designation:

(A) a \$500 fee for each teacher submitted for designation to TEA; and

(B) a \$2,500 system renewal fee for districts with enrollment of less than 1,000 students in the prior school year, or districts where all campuses meet the definition of rural pursuant to paragraph (1)(M) of this subsection the year prior to renewal application submission or a \$10,000 system renewal fee for districts where not all campuses meet the definition of rural pursuant to paragraph (1)(M) of this subsection.

(b) Teacher eligibility.

(1) Teachers eligible to earn or receive designations under an approved local optional teacher designation system must meet the following requirements:

(A) the teacher is employed by the recommending school district or charter partner pursuant to subsection (a)(1)(B)(ii) or (iv) of this section in a staff classification coded as 087 (Teacher) and corresponding classroom position of 01, 02, or 03, if applicable, in TSDS for 90 days at 100% of the day (equivalent to four and one-half months or a full semester) or 180 days at 50-99% of the day and compensated for that employment. A charter partner operating under subsection (a)(1)(B)(ii) or (iv) of this section is required to report teacher-level data in TSDS or provide teacher-level data to its partner school district for reporting by the district in TSDS;

(B) the teacher was employed by the recommending school district or charter partner pursuant to subsection (a)(1)(B)(ii) or (iv) of this section during the year the teacher's effectiveness was collected in alignment with the recommended designation;

(C) the teacher is not currently designated as acknowledged, recognized, or exemplary, unless the teacher is being recommended for a higher designation;

(D) the teacher is currently designated as master and the designation is scheduled to expire within one year. A teacher eligible for redesignation under this provision may only be redesignated at the master level; and

(E) the teacher does not have a suspension, revocation, permanent surrender, or surrender of a certificate issued by the State Board for Educator Certification (SBEC) and is not found on the registry of persons not eligible for employment in public schools under TEC, §22.092, and Chapter 153, Subchapter EE, of this title (relating to Commissioner's Rules Concerning Registry of Persons Not Eligible for Employment in Public Schools).

(2) School districts are eligible to receive funding for each designated teacher if the teacher meets the requirements in paragraph (1)(A) of this subsection for each district. TEA may exercise admin-

istrative discretion to determine the eligibility of a teacher if a district disputes TSDS data. Disputes must be received by TEA by the second Friday in May each year; however, TEA may exercise administrative discretion to allow disputes to be considered outside of this timeline.

(c) Application procedures and approval process.

(1) The following provisions apply to applications submitted under this section.

(A) If TEA determines that an application or resubmission is incomplete, TEA may provide the applicant with notice of the deficiency and an opportunity to submit missing required information. If the missing required information is not submitted within seven business days after the original submission deadline, the application will be denied.

(B) If TEA determines that a system application does not meet the standards established under TEC, §21.3521, and this section, TEA shall permit the applicant to resubmit the application by June 30. If no resubmission is made by the deadline, the application will be denied.

(C) Applicants that are determined to meet the standards established under TEC, §21.3521 and §48.112, and the requirements of the statutorily based framework provided in the figure in this subparagraph shall be approved.

Figure: 19 TAC §150.1041(c)(1)(C)

(D) Applications that are determined to meet the standards established under TEC, §21.3521 and §48.112, and this section shall be approved for an initial term of five years. Applications that are determined to need ongoing support may result in provisional approval.

(2) The application shall include the following for each eligible teaching assignment:

(A) components of a local system for issuing designations, including:

(i) a teacher observation component that contains:

(I) a plan for calibration, using the rubric approved under subclause (II) of this clause, that includes congruence among appraisers, a review of teacher observation data and the correlation between teacher observation and student growth data, and implementation of next steps; and

(II) an approved teacher observation rubric including the Texas Teacher Evaluation and Support System or a pilot thereof, Marzano's Teacher Evaluation Model and rubric created by the National Institute for Excellence in Teaching and The Danielson Group, or another rubric that is based on observable, job-related behaviors that are described with progressive descriptors for each dimension, including alignment to §149.1001 of this title (relating to Teacher Standards) and a clear proficiency indicator. A school district may be required to provide teacher observation videos if the ratings cannot be verified from the data submitted; and

(ii) a specified student growth component by measure and/or assessment that:

(I) if using a student learning objective, is aligned to the Texas Student Learning Objectives (SLO) process described on the TEA website for SLOs at <https://texasslo.org>;

(II) if using a portfolio method, demonstrates that student work is aligned to the standards of the course, demonstrates mastery of standards, utilizes a skills proficiency rubric, and includes criteria for scoring various artifacts;

(III) if using school district- or teacher-created assessments, is aligned to the standards of the course and conforms to a district rubric for district- or teacher-created assessments. A school district must approve district- or teacher-created assessments for the purpose of determining student growth by using a district process and rubric for approval of such assessments. Assessments must measure beginning of course to end of course or from end of course from the previous course to end of current course;

(IV) if using a school district- or teacher-created assessment in conjunction with a third-party assessment, is aligned to the standards of the course and conforms to a district rubric for district- or teacher-created assessments. A school district must approve district- or teacher-created assessments for the purpose of determining student growth by using a district process and rubric for approval of such assessments. Assessments must measure beginning of course to end of course or from end of course from the previous course to end of current course;

(V) if using third-party assessments with third-party accompanying growth targets, is aligned to the standards for the course and contains questions that cover a range of student skill levels. Assessments must measure beginning of course to end of course or from end of course from the previous course to end of current course; or

(VI) if using third-party assessments with district-created growth targets, is aligned to the standards of the course and contains questions that cover a range of student skill levels. Assessments must measure beginning of course to end of course or from end of course from the previous course to end of current course. Mid-year data may be used in instances where the student was not present for the beginning of course administration;

(B) test administration processes for all student growth that will lead to validity and reliability of results, including:

(i) test security protocols;

(ii) testing windows;

(iii) testing accommodations; and

(iv) annual training for test administrators; and

(C) data for all teachers in eligible teaching assignments, including student growth, and observation data for all teachers in eligible teaching assignments for the data capture year in alignment with TEC, §21.351 or §21.352. Multi-year data shall include student growth and observation data from the same year and teacher category. Single-year data shall include student growth and observation data from the same teacher category. TEA may exercise administrative discretion regarding the requirements of this subparagraph in situations in which data is difficult to provide due to circumstances beyond a district's control and the district would otherwise be unable to provide sufficient data for application consideration.

(3) The application for enhanced teacher incentive allotment designation shall include:

(A) teacher evaluation components:

(i) an approved local designation system that includes all teaching assignments; and

(ii) local evaluation components in addition to those required under paragraph (2) of this subsection;

(B) campus administrator evaluation components:

(i) an approved administrator appraisal systems including the Texas Principal Evaluation and Support System or a pilot

thereof, or another rubric that is based on observable, job-related behaviors that are described with progressive descriptors for each dimension, including alignment to §149.2001 of this title (relating to teacher standards) and a clear proficiency indicator;

(ii) student growth in alignment with the district or campuses local designation system with prioritization of core content areas; and

(iii) districts may include optional components that provide evidence of campus administrator effectiveness;

(C) strategic staffing plan demonstrating an approach to teacher assignment based on student need, including strategic scheduling for early grades and high-needs campuses and students;

(D) a compensation plan for teachers and campus administrators that is based on performance and includes, at minimum:

(i) methods for determining and defining teacher and campus administrator effectiveness as it relates to performance-based compensation decisions;

(ii) placement guidance for newly hired teachers, with performance as a consideration based on teacher incentive allotment eligibility or a preparation pathway;

(iii) performance-based salary schedule and criteria for salary increases for all teachers and campus administrators; and

(iv) district attestation and school board approval to limit across-the-board salary increases for classroom teachers, except for periodic changes due to significant inflation; and

(E) evidence of implementing a strategic compensation system, including, but not limited to:

(i) a board-approved compensation plan;

(ii) a district strategic compensation plan; and

(iii) a salary schedule by employee and effectiveness levels.

(d) System expansion, spending modifications, and changes.

(1) School districts must apply for approval through the system application process the year prior to implementation if:

(A) adding new eligible teaching assignments or campuses (if started with less than all campuses in the district);

(B) adding a new teacher observation rubric;

(C) changing a previously approved teacher observation rubric;

(D) adding new student growth measures;

(E) changing the student growth measure used by an eligible teaching assignment;

(F) adding or changing the third-party assessment used in a student growth measure;

(G) adding or changing the type of assessment used in a student growth measure;

(H) removing a student growth measure used by an eligible teaching assignment;

(I) removing an eligible teaching assignment;

(J) modifying a district's spending plan. TEA may exercise administrative discretion to allow spending modifications outside of the approval timeline outlined in this subsection; or

(K) modifying a district's application for enhanced teacher incentive allotment designation under subsection (c)(3) of this section.

(2) TEA may exercise administrative discretion to allow system changes outlined in this subsection outside of the approval timeline outlined in this subsection in situations in which TEA determines that the application timeline is unfeasible due to circumstances beyond a district's control, causing the district to be unable to implement its current system with fidelity.

(e) Monitoring and annual program submission of approved local designation systems and the basis for enhanced teacher incentive allotment system designation.

(1) For the program submission, approved school districts shall submit the following information regarding a local teacher designation system and associated spending:

(A) the distribution of allotment funds from the previous school year in accordance with the funding provisions of subsection (g) of this section;

(B) a response and implementation plan to annual surveys developed by TEA administered to teachers, campus principals, and human resources personnel gauging the perception of a school district's local designation system; and

(C) teacher observations and student growth measure data for all teachers in eligible teaching assignments if school districts are submitting new teacher designations collected in alignment with §150.1003(b)(5) and (l)(3) of this title (relating to Appraisals, Data Sources, and Conferences). TEA reserves the right to request data for the purposes of performance evaluation and investigation based on data review outcomes. TEA may exercise administrative discretion in circumstances where data is difficult to provide and a district would otherwise be unable to provide sufficient data for application consideration.

(2) Outcomes of the annual program submission may lead to a review, pursuant to TEC, §48.272(e), and subject to the period of review limitation in TEC, §48.272(f), of the local optional designation system that may be conducted at any time at the discretion of TEA staff.

(f) Continuing approval and renewal.

(1) Local optional teacher designation systems are subject to review at least once every five years. However, a review may be conducted at any time at the discretion of TEA. The renewal application is required in a district's fourth year after the system application is accepted and will follow the process and requirements outlined in subsection (c) of this section. Charter management organizations that operate approved systems with multiple campus district numbers shall submit an application for each system at the time of required renewal.

(2) Approval of local optional designation systems and enhanced teacher incentive allotment systems is voidable by TEA for one or more of the following reasons:

(A) failure to fulfill all local optional designation system requirements as defined in this section;

(B) failure to comply with annual program submission requirements;

(C) failure to comply with the provisions of TEC, §21.3521 and §48.112;

(D) failure to implement the local optional teacher designation system or strategic compensation plan as approved by TEA;

(E) failure to remove school district employees from the designation determination process who have a conflict of interest and acted in bad faith to influence designations; or

(F) at the discretion of the commissioner.

(3) Approval of individual teacher designations are voidable by TEA for one or more of the following reasons:

(A) a teacher has not fulfilled all designation requirements;

(B) the school district at which the designation was earned has had its local optional designation system voided;

(C) the National Board for Professional Teaching Standards revokes a National Board certification that provided the basis for a teacher's designation;

(D) the suspension, revocation, permanent surrender, or surrender of a certificate issued by the SBEC to a designated teacher;

(E) the addition of the designated teacher to the registry of persons not eligible for employment in public schools under TEC, §22.092, and Chapter 153, Subchapter EE, of this title;

(F) the district issued a designation in bad faith by not removing a district employee from the designation determination process who had a conflict of interest; or

(G) at the discretion of the commissioner.

(g) Funding.

(1) State funding.

(A) School districts will receive teacher incentive allotment funds based on prior-year estimates. The final amount will be based on data from the current school year as provided in subparagraph (D) of this paragraph. Any difference from the estimated amount will be addressed as part of the Foundation School Program settle-up process according to the provisions in TEC, §48.272.

(B) A school district is eligible to earn the base allotment for each designated teacher assigned to a zero-enrollment campus, a campus with fewer than 20 students, a juvenile justice alternative education program, a disciplinary alternative education program, a residential facility, or central administration if the designated teacher meets the requirements in subsection (b)(2) of this section, plus the multiplier based on the school district's average student point value and rural status, if applicable.

(C) Funding for teachers who work at multiple campuses shall be calculated and split equally among the campuses where the employee is working in a role coded as 087 (Teacher) in TSDS at each campus.

(D) Designated teacher campus and district of employment shall be determined annually by data collected in TSDS.

(E) School districts shall annually verify and confirm teacher designations and corresponding allotments.

(F) TEA may exercise administrative discretion to redirect or recalculate funds to the district where the designated teacher works if a district disputes TSDS data. Disputes must be received by the second Friday in May each year; however, TEA may exercise administrative discretion to allow disputes to be considered outside of this timeline.

(G) The average point value and rural status for the Texas School for the Deaf and the Texas School for the Blind and

Visually Impaired will be calculated by utilizing the home districts of the schools' students.

(2) Status and use of state funds. A school district that receives teacher incentive allotment funding must comply with the requirements of TEC, §48.112, including the requirement that at least 90% of each teacher-generated allotment must be used for compensation of teachers employed at the campus at which the teacher for whom the district received the allotment is employed. School districts that receive funding for designated teachers employed by the charter partner for charter partnerships pursuant to subsection (a)(1)(B)(ii) or (iv) of this section shall pass along at least 90% of the teacher incentive allotment funding and 100% of fees pursuant to subsection (a)(2) of this section paid by the charter partner to the charter partner. Charter partners and districts shall work together to ensure that the spending requirements of TEC, §48.112, are met.

§150.1042. National Board for Professional Teaching Standards.

(a) Definitions. The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise.

(1) Charter school--A Texas public school that meets one of the following criteria:

(A) is operated by a charter holder under an open-enrollment charter granted either by the State Board of Education or commissioner of education pursuant to Texas Education Code (TEC), §12.101, identified with its own county-district number;

(B) has a charter granted under TEC, Chapter 12, Subchapter C, and is eligible for benefits under TEC, §11.174 and §48.252;

(C) has a charter granted under TEC, §29.259, and Human Resources Code, §221.002; or

(D) has a charter granted under TEC, §11.157(b).

(2) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide or a full-time administrator.

(3) National Board certification--Certification issued by the National Board for Professional Teaching Standards.

(4) School district--The definition of a school district includes charter schools as defined in paragraph (1) of this subsection.

(b) Eligibility.

(1) Subject to continuing authorization by the State Board for Educator Certification (SBEC) under TEC, §21.3523, teachers with current National Board certification are eligible for a recognized or nationally board certified designation if the teacher:

(A) is employed by a school district or charter partner pursuant to subsection (a)(1)(B) or (D) of this section in a staff classification coded as 087 (Teacher) and corresponding classroom position of 01, 02, or 03, if applicable, in the Texas Student Data System (TSDS). A charter partner operating under subsection (a)(1)(B) or (D) of this section is required to report teacher-level data in TSDS or provide teacher-level data to their partner school district for reporting by the district in TSDS;

(B) registers his or her National Board certification in Texas in the National Board Certified Teacher directory by January 31 each year; and

(C) does not have a suspension, revocation, permanent surrender, or surrender of a certificate issued by the SBEC and is not

found on the registry of persons not eligible for employment in public schools under TEC, §22.092, and Chapter 153, Subchapter EE, of this title (relating to Commissioner's Rules Concerning Registry of Persons Not Eligible for Employment in Public Schools).

(2) Effective August 1, 2026, eligibility for recognized designation based on paragraph (1) of this subsection will expire. National Board certified teachers designated as recognized will be redesignated as nationally board certified.

(3) Teachers who are designated as recognized or nationally board certified based on paragraph (1) of this subsection are eligible to earn and receive designations under §150.1041 of this chapter (relating to Local Optional Teacher Designation System).

(4) The last valid year of designation awarded under this subsection is the last school year in which the National Board certification is valid.

(5) School districts are eligible to receive funding for a designated teacher if the teacher has been or will be employed by the school district receiving the funding or charter partner operating pursuant to subsection (a)(1)(B) or (D) of this section in a staff classification coded as 087 (Teacher) and corresponding classroom position of 01, 02, or 03, if applicable, in TSDS for 90 days at 100% of the day (equivalent to four and one-half months or a full semester) or 180 days at 50-99% of the day and compensated for that employment. A charter partner operating under subsection (a)(1)(B) or (D) of this section is required to report teacher-level data in TSDS or provide teacher-level data to its partner school district for reporting by the district in TSDS.

(6) A district employing a teacher designated as nationally board certified who is also designated under §150.1041 of this chapter is not eligible to receive additional funding under paragraph (5) of this section.

(c) Reimbursement.

(1) School districts may request reimbursement for the following eligible National Board fees paid under TEC, §21.3521, by the district or the teacher with National Board certification when National Board certification has been successfully earned:

(A) renewal fees up to \$1,250;

(B) certification fees up to \$1,900;

(C) maintenance of certification fees up to \$495; and

(D) fees for initial, renewed, or maintenance National Board certifications earned on or after the 2019-2020 school year.

(2) School districts requesting National Board certification reimbursement shall establish a process to ensure that teachers with National Board certification have received from the school district full reimbursement of eligible fees paid by the teacher before the school district can be reimbursed by Texas Education Agency (TEA). Charter partners operating pursuant to subsection (a)(1)(B) or (D) of this section without a county-district number will be reimbursed through their district. Charter partners and districts shall work together to ensure that the spending requirements of TEC, §48.112, are met.

(3) School districts are not required to apply to TEA for approval of National Board certification-based designations.

(d) Funding. The requirements of §150.1041(g)(1) and (2) of this chapter apply to funding referenced in this section.

§150.1043. Teacher Designation Performance Standards.

(a) Teacher designations shall be determined by:

(1) a teacher meeting a minimum average appraisal score based on:

(A) Domains II and III of the Texas Teacher Evaluation and Support System (T-TESS), as specified in §150.1002 of this chapter (relating to Assessment of Teacher Performance), measured on a scale of 1-5; or

(B) a locally developed rubric with a score equivalent to the score specified in subparagraph (A) of this paragraph, as determined by the Texas Education Agency (TEA); and

(2) a minimum percentage of the teacher's students meeting or exceeding expected growth targets.

(b) Teacher designations shall be assigned in accordance with subsection (a) of this section using the following categories.

(1) Acknowledged. An acknowledged designation shall be determined by:

(A) a teacher generally meeting a minimum average score of 3.5 across Domains II and III of the T-TESS or equivalent score on a locally developed rubric as determined by TEA; and

(B) generally, a minimum of 50% of the teacher's students meeting or exceeding expected growth targets.

(2) Recognized. A recognized designation shall be determined by:

(A) a teacher generally meeting a minimum average score of 3.7 across Domains II and III of the T-TESS or equivalent score on a locally developed rubric as determined by TEA; and

(B) generally a minimum of 55% of the teacher's students meeting or exceeding expected growth targets.

(3) Exemplary. An exemplary designation shall be determined by:

(A) a teacher generally meeting a minimum average score of 3.9 across Domains II and III of the T-TESS or equivalent score on a locally developed rubric as determined by TEA; and

(B) generally a minimum of 60% of the teacher's students meeting or exceeding expected growth targets.

(4) Master. A master designation shall be determined by:

(A) a teacher generally meeting a minimum average score of 4.5 across Domains II and III of the T-TESS or equivalent score on a locally developed rubric as determined by TEA; and

(B) generally a minimum of 70% of the teacher's students meeting or exceeding expected growth targets.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504358

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 475-1497

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TITLE 22. EXAMINING BOARDS

PART 5. STATE BOARD OF DENTAL EXAMINERS

CHAPTER 101. DENTAL LICENSURE

22 TAC §101.2

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §101.2, pertaining to dental licensure by examination. The proposed rule reflects that CDCA-WREB-CITA (a dental exam administrator) and the American Board of Dental Examiners (developer of the ADEX licensure exams) have combined under a single entity: the American Board of Dental Examiners.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule does not expand an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§101.2. Licensure by Examination.

(a) In addition to the general qualifications for licensure contained in §101.1 of this chapter (relating to General Qualifications for Licensure), an applicant for licensure by examination who is a graduate of an accredited school must present proof that the applicant:

(1) Has graduated and received either the "DDS" or "DMD" degree from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association (CODA);

(2) Has taken and passed the examination for dentists given by the American Dental Association Joint Commission on National Dental Examinations; and

(3) Has taken and passed the appropriate general dentistry live patient or hands-on simulation clinical examination administered by a regional examining board designated by the Board.

(b) In addition to the general qualifications for licensure contained in §101.1 of this chapter, an applicant for licensure by examination who is a graduate of a non-accredited school must present proof that the applicant:

(1) Has graduated from a dental school that is not CODA-accredited;

(2) Has successfully completed training in an American Dental Association-approved specialty in a CODA-accredited education program that consists of at least two years of training as specified by the Council on Dental Education;

(3) Has taken and passed the examination for dentists given by the American Dental Association Joint Commission on National Dental Examinations; and

(4) Has taken and passed the appropriate general dentistry live patient or hands-on simulation clinical examination administered by a regional examining board designated by the Board. Many regional examining boards require prior written approval by the participating member state in order for graduates of non-accredited schools to be tested. Prior to submitting an application for regional examination, graduates of non-accredited schools must obtain such permission from the Board.

(c) Designated regional examining boards.

(1) The following regional examining boards have been designated as acceptable by the Board as of the effective dates shown:

(A) American Board of Dental Examiners (ADEX) [~~The Commission on Dental Competency Assessments-The Western Regional Examining Board-The Council of Interstate Testing Agencies (CDCA-WREB-CITA)~~], August 1, 2022; and

(B) Central Regional Dental Testing Service-States Resources for Testing and Assessments (CRDTS-SRTA), January 6, 2025.

(2) Examination results will be accepted for seven years from the date of the examination.

(d) Remediation.

(1) If an applicant for Texas dental licensure fails three general dentistry live patient or hands-on simulation clinical examination attempts, the applicant must complete 80 hours of a clinical remediation course through a CODA-accredited dental school approved by Board staff.

(2) If an applicant fails four or more general dentistry live patient or hands-on simulation clinical examination attempts, the applicant must complete one of the following:

(A) the repetition of the final year of a graduate dental program from a CODA-accredited dental school; or

(B) the completion of a clinical remediation course offered by a CODA-accredited dental school approved by Board staff, consisting of no less than 1,000 clinical hours.

(3) All programs of clinical remediation require prior approval by Board staff. Applicants will be responsible for locating, identifying and obtaining approval from Board staff prior to registration for any program.

(4) Re-examination must be accomplished within 18 months of the date of either the completion of the clinical remediation course or the repetition of the final year of a graduate dental program as required in subsection (d)(1)-(3) of this section.

(e) An applicant who takes an examination after January 1, 2019, must also successfully complete the periodontics and prosthodontics sections of an exam approved under subsection (c)(1) of this section.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 24, 2025.

TRD-202504321

Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: January 11, 2026

For further information, please call: (737) 363-2333



22 TAC §101.6

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §101.6, pertaining to dental licensing for military service members, military veterans, and military spouses. The purpose of the proposal is to implement House Bill 5629 and Senate Bill 1818, 89th Legislature, Regular Session (2025), which amended Texas Occupations Code Chapter 55, Licensing of Military Service Members, Military Veterans, and Military Spouses with the following changes: (1) defines good standing; (2) allows for alternative licensing if the applicant holds a current license issued by another state that is similar in scope of practice to the license in this state and is in good standing with that state's licensing authority; (3) requires the Board to issue a provisional license to the applicant while the Board processes the application or issue the license for which the applicant applied; (4) requires the Board to process an alternative licensing application within 10 business days; and (5) waives all fees. The proposal also corrects clerical errors.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be an increase in the number of military affiliated applicants being licensed in this state.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule creates a new regulation; (6) the proposed rule expands an existing regulation; (7) the proposed rule increases the number of individuals subject to the rule's applicability by changing the requirement for license issuance of out-of-state licenses from substantially equivalent license requirements to similar scope of practice as a license issued by the Board; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety, and under Chapter 55, Texas Occupations Code.

Chapter 55 of the Texas Occupations Code is affected by this proposed rule.

§101.6. Dental Licensing for Military Service Members, Military Veterans, and Military Spouses.

(a) Definitions.

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by §437.001 [§471.001], Government Code, or similar military service of another state.

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "Military service member" means a person who is on active duty.

(4) "Military spouse" means a person who is married to a military service member.

(5) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

(6) "Good standing" is defined in §55.0042, Occupations Code.

(b) A licensee is exempt from any penalty or increased fee imposed by the Board for failing to renew the license in a timely manner if the individual establishes to the satisfaction of Board staff that the individual failed to renew the license in a timely manner because the individual was serving as a military service member.

(c) A licensee who is a military service member is entitled to two years of additional time to complete:

(1) any continuing education requirements; and

(2) any other requirement related to the renewal of the military service member's license.

(d) Alternative Licensing.

(1) A military service member, military veteran, or military spouse applicant may demonstrate competency by alternative methods in order to meet the requirements for obtaining a dental license issued by the Board if the applicant:

(A) holds a current license issued by another state that is similar in scope of practice to the license in this state and is in good standing with that state's licensing authority [holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the licensing requirements in this state]; or

(B) within the five years preceding the application date held the license in this state.

(2) On receipt by the Board of an application for a dental license in accordance with this section, the Board shall issue a provisional license to the applicant while the Board processes the application or issue the license for which the applicant applied. A provisional license issued under this subsection expires on the earlier of:

(A) the date the Board approves or denies the provisional license holder's application for the license; or

(B) the 180th day after the date the provisional license is issued.

(3) [(2)] For purposes of this section, the standard method of demonstrating competency is the specific examination, education, and or/experience required to obtain a dental license. In lieu of the standard method(s) of demonstrating competency for a dental license and based on the applicant's circumstances, the alternative methods for demonstrating competency may include any combination of the following as determined by the Board:

(A) education;

(B) continuing education;

(C) examinations (written and/or practical);

(D) letters of good standing;

(E) letters of recommendation;

(F) work experience; or

(G) other methods required by the executive director. [Executive Director.]

(4) [(3)] The executive director may waive any prerequisite to obtaining a license for an applicant described in paragraph (1) of this subsection after reviewing the applicant's credentials.

(5) The Board has sole discretion in determining whether an applicant's out-of-state license is similar in scope to a license issued by the Board.

(e) The Board shall give credit to an applicant who is a military service member or military veteran for any verified military service, training, or education toward the licensing requirements, other than an examination requirement, including, but not limited to, education, training, certification, or a course in basic life support. The Board may not give credit if the applicant holds a restricted license issued by another jurisdiction or has an unacceptable criminal history according to Texas Occupations Code, Chapter 53 (relating to Consequences of Criminal Conviction) or §101.8 of this title (relating to Persons with Criminal Backgrounds).

(f) The Board has 10 business days [30 days] from the date a military service member, military veteran, or military spouse submits an application for alternative licensing to process the application and issue a license to an applicant who qualifies for the license.

(g) All applicants shall submit an application and proof of any relevant requirements on a form and in a manner prescribed by the Board.

(h) All applicants shall submit fingerprints for the retrieval of criminal history record information.

(i) All fees associated with a license application shall be waived for an applicant who is[:]

[(1) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for the license; or]

[(2)] a military service member, military veteran, or military spouse. [who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for licensure in this state.]

(j) Licenses granted under this chapter have the terms established by §101.5 of this title (related to Staggered Dental Registrations), or a term of 12 months from the date the license is issued, whichever term is longer. The Board shall notify the licensee in writing or by electronic means of the requirements for renewal.

(k) This section establishes requirements and procedures authorized or required by Texas Occupations Code, Chapter 55, and does not modify or alter rights that may be provided under federal law.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 25, 2025.

TRD-202504325

Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: January 11, 2026

For further information, please call: (737) 363-2333



22 TAC §101.14

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §101.14, pertaining to exemption from licensure for certain military service members and military spouses. The purpose of the proposal is to implement House Bill 5629 and Senate Bill 1818, 89th Legislature, Regular Session (2025), which amended Texas Occupations Code Chapter 55, Licensing of Military Service Members, Military Veterans,

and Military Spouses with the following changes: (1) defines good standing; (2) removes the three-year limit to practice as long as the applicant is stationed at a military installation; (3) allows for an authorization to practice if the applicant holds a current license issued by another state that is similar in scope of practice to the license in this state and is in good standing with that state's licensing authority; and (4) requires the Board to process applications within 10 business days.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be an increase in the number of military affiliated applicants receiving authorizations to practice in this state.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule creates a new regulation; (6) the proposed rule expands an existing regulation; (7) the proposed rule increases the number of individuals subject to the rule's applicability by changing the substantially equivalent license requirements to similar scope of practice as a license issued by the Board; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety, and under Chapter 55, Texas Occupations Code.

Chapter 55 of the Texas Occupations Code is affected by this proposed rule.

§101.14. Exemption from Licensure for Certain Military Service Members and Military Spouses.

(a) Definition. "Good standing" is defined in §55.0042, Texas Occupations Code.

(b) ~~[(a)]~~ The executive director of the Texas State Board of Dental Examiners must authorize a qualified military service member or military spouse to practice dentistry in Texas without obtaining a license in accordance with §55.0041(a), Texas Occupations Code. This authorization to practice is valid during the time the military service member or, with respect to a military spouse, the military service member to whom the military spouse is married is stationed at a military installation in Texas ~~[; but is not to exceed three years]~~.

(c) ~~[(b)]~~ In order to receive authorization to practice, the military service member or military spouse must:

(1) hold a license similar in scope of practice issued by the licensing authority of another state and is in good standing with that licensing authority;

(2) submit an application to the board that includes:

(A) a copy of the member's military orders showing relocation to this state;

(B) if the applicant is a military spouse, a copy of the military spouse's marriage license; and

(C) a notarized affidavit affirming under penalty of perjury that:

(i) the applicant is the person described and identified in the application;

(ii) all statements in the application are true, correct, and complete;

(iii) the applicant understands the scope of practice for the applicable license in this state and will not perform outside of that scope of practice; and

(iv) the applicant is in good standing in each state in which the applicant holds or has held an applicable license.

~~[(1) hold an active license to practice dentistry in another state, territory, Canadian province, or country that:]~~

~~[(A) has licensing requirements that are determined by the board to be substantially equivalent to the requirements for licensure in Texas; and]~~

~~[(B) is not subject to any restriction, disciplinary order, probation, or investigation;]~~

~~[(2) notify the board of the military service member or military spouse's intent to practice in Texas on a form prescribed by the board; and]~~

~~[(3) submit proof of the military service member or military spouse's residency in this state, a copy of the military service member or military spouse's military identification card, and proof of the military service member's status as an active duty military service member as defined by §437.001(1), Texas Government Code (relating to Definitions). To establish residency, the military service member or military spouse must submit:]~~

~~[(A) a copy of the permanent change of station order for the military service member or military service member to whom the military spouse is married;]~~

~~[(B) a Texas address; and]~~

~~[(C) the name and address of the Texas military installation.]~~

(d) The Board has sole discretion in determining whether an applicant's out-of-state license is similar in scope to a license issued by the Board.

(e) [(e)] While authorized to practice dentistry in Texas, the military service member or military spouse shall comply with all other laws and regulations applicable to the practice of dentistry in Texas.

(f) [(d)] The board has 10 business days [30 days] from the date a military service member or military spouse submits the information required by subsection (c) [(b)] of this section to notify the applicant that:

(1) the board recognizes the applicant's out-of-state license;

(2) the application is incomplete; or

(3) the board is unable to recognize the applicant's out-of-state license because the board does not issue a license similar in scope of practice to the applicant's license.

[(1) verify that the member or spouse is active and in good standing in a jurisdiction that has licensing requirements that are substantially equivalent to the requirements for licensure in Texas; and

[(2) issue an authorization recognizing the licensure as the equivalent license in this state.]

(g) [(e)] In the event of a divorce or similar event that affects a person's status as a military spouse, the former spouse may continue to engage in the business or occupation under the authority of this section until the third anniversary of the date the spouse submitted the application required by subsection (c) of this section. [received the authorization described by subsection (d) of this section.] A similar event includes the death of the military service member or the military service member's discharge from the military.

(h) [(f)] This section establishes requirements and procedures authorized or required by Texas Occupations Code, Chapter 55, and does not modify or alter rights that may be provided under federal law.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 25, 2025.

TRD-202504326

Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: January 11, 2026

For further information, please call: (737) 363-2333



CHAPTER 103. DENTAL HYGIENE LICENSURE

22 TAC §103.2

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §103.2, pertaining to hygiene licensure by examination. The proposed rule reflects that CDCA-WREB-CITA (a dental exam administrator) and the American Board of Dental Examiners (developer of the ADEX licensure exams) have combined under a single entity: the

American Board of Dental Examiners. The proposed rule also corrects a grammatical error.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule does not expand an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This amendment is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§103.2. Licensure by [~~for~~] Examination.

(a) In addition to the general qualifications for licensure contained in §103.1 of this chapter (relating to General Qualifications for Licensure), an applicant for dental hygienist licensure by examination must present proof that the applicant has taken and passed the appropriate live patient or hands-on simulation clinical examination administered by a regional examining board designated by the Board.

(b) Designated regional examining boards.

(1) The following regional examining boards have been designated as acceptable by the Board as of the effective dates shown:

(A) American Board of Dental Examiners (ADEX)
[The Commission on Dental Competency Assessments-The Western
Regional Examining Board-The Council of Interstate Testing Agen-
cies (CDCA-WREB-CITA)], August 1, 2022; and

(B) Central Regional Dental Testing Service-States Re-
sources for Testing and Assessments (CRDTS-SRTA), January 6, 2025.

(2) Examination results will be accepted for seven years
from the date of the examination.

(c) Remediation.

(1) If an applicant for Texas dental hygienist licensure fails
three dental hygiene live patient or hands-on simulation clinical exam-
ination attempts, the applicant must complete 40 hours of a clinical re-
mediation course through a CODA-accredited dental hygiene program
approved by Board staff.

(2) If an applicant fails four or more dental hygiene live pa-
tient or hands-on simulation clinical examination attempts, the appli-
cant must complete 150 hours of a clinical remediation course through
a CODA-accredited dental hygiene program approved by Board staff.

(3) All programs of clinical remediation require prior ap-
proval by Board staff. Applicants will be responsible for locating, iden-
tifying and obtaining approval from Board staff prior to registration for
any program.

(4) Re-examination must be accomplished within 18
months of the date Board staff approves a remediation program for the
applicant.

The agency certifies that legal counsel has reviewed the pro-
posal and found it to be within the state agency's legal authority to
adopt.

Filed with the Office of the Secretary of State on November 24,
2025.

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Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: January 11, 2026

For further information, please call: (737) 363-2333



22 TAC §103.10

The State Board of Dental Examiners (Board) proposes this
amendment to 22 TAC §103.10, pertaining to exemption from
dental hygiene licensure for certain military service members
and military spouses. The purpose of the proposal is to imple-
ment House Bill 5629 and Senate Bill 1818, 89th Legislature,
Regular Session (2025), which amended Texas Occupations
Code Chapter 55, Licensing of Military Service Members, Mil-
itary Veterans, and Military Spouses with the following changes:
(1) defines good standing; (2) removes the three-year limit to
practice as long as the applicant is stationed at a military instal-
lation; (3) allows for an authorization to practice if the applicant
holds a current license issued by another state that is similar
in scope of practice to the license in this state and is in good
standing with that state's licensing authority; and (4) requires
the Board to process applications within 10 business days.

FISCAL NOTE: Casey Nichols, Executive Director, has deter-
mined that for the first five-year period the proposed rule is in

effect, the proposed rule does not have foreseeable implications
relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also deter-
mined that for the first five-year period the proposed rule is in
effect, the public benefit anticipated as a result of this rule will be
an increase in the number of military affiliated applicants receiv-
ing authorizations to practice in this state.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols
has also determined that the proposed rule does not affect local
economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IM-
PACT STATEMENT: Casey Nichols has determined that no
economic impact statement and regulatory flexibility analysis for
small businesses, micro-businesses, and rural communities is
necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board
has determined that for the first five-year period the proposed
rule is in effect, the following government growth effects apply:
(1) the proposed rule does not create or eliminate a government
program; (2) implementation of the proposed rule does not re-
quire the creation or elimination of employee positions; (3) imple-
mentation of the proposed rule does not require an increase or
decrease in future appropriations; (4) the proposed rule does not
require an increase in fees paid to the agency; (5) the proposed
rule creates a new regulation; (6) the proposed rule expands an
existing regulation; (7) the proposed rule increases the number
of individuals subject to the rule's applicability by changing the
substantially equivalent license requirements to similar scope of
practice as a license issued by the Board; and (8) the proposed
rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey
Nichols, Executive Director, 1801 Congress Avenue, Suite
8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by
email to official_rules_comments@tsbde.texas.gov for 30 days
following the date that the proposed rule is published in the
Texas Register. To be considered for purposes of this rulemak-
ing, comments must be: (1) postmarked or shipped by the last
day of the comment period; or (2) faxed or e-mailed by midnight
on the last day of the comment period.

This rule is proposed under Texas Occupations Code
§254.001(a), which gives the Board authority to adopt rules
necessary to perform its duties and ensure compliance with
state laws relating to the practice of dentistry to protect the pub-
lic health and safety, and under Chapter 55, Texas Occupations
Code.

Chapter 55 of the Texas Occupations Code is affected by this
proposed rule.

*§103.10. Exemption from Licensure for Certain Military Service
Members and Military Spouses.*

(a) Definition. "Good standing" is defined in §55.0042, Texas
Occupations Code.

(b) [(a)] The executive director of the Texas State Board of
Dental Examiners must authorize a qualified military service member
or military spouse to practice as a dental hygienist in Texas without ob-
taining a license in accordance with §55.0041(a), Texas Occupations
Code. This authorization to practice is valid during the time the mili-
tary service member or, with respect to a military spouse, the military
service member to whom the military spouse is married is stationed at
a military installation in Texas [, but is not to exceed three years].

(c) [(b)] In order to receive authorization to practice, the military service member or military spouse must:

(1) hold a license similar in scope of practice issued by the licensing authority of another state and is in good standing with that licensing authority;

(2) submit an application to the board that includes:

(A) a copy of the member's military orders showing relocation to this state;

(B) if the applicant is a military spouse, a copy of the military spouse's marriage license; and

(C) a notarized affidavit affirming under penalty of perjury that:

(i) the applicant is the person described and identified in the application;

(ii) all statements in the application are true, correct, and complete;

(iii) the applicant understands the scope of practice for the applicable license in this state and will not perform outside of that scope of practice; and

(iv) the applicant is in good standing in each state in which the applicant holds or has held an applicable license.

[(1) hold an active dental hygienist license in another state, territory, Canadian province, or country that:]

[(A) has licensing requirements that are determined by the board to be substantially equivalent to the requirements for licensure in Texas; and]

[(B) is not subject to any restriction, disciplinary order, probation, or investigation;]

[(2) notify the board of the military service member or military spouse's intent to practice in Texas on a form prescribed by the board; and]

[(3) submit proof of the military service member or military spouse's residency in this state, a copy of the military service member or military spouse's military identification card, and proof of the military service member's status as an active duty military service member as defined by §437.001(1), Texas Government Code (relating to Definitions). To establish residency, the military service member or military spouse must submit:]

[(A) a copy of the permanent change of station order for the military service member or military service member to whom the military spouse is married;]

[(B) a Texas address; and]

[(C) the name and address of the Texas military installation.]

(d) The board has sole discretion in determining whether an applicant's out-of-state license is similar in scope to a license issued by the board.

(e) [(e)] While authorized to practice as a dental hygienist in Texas, the military service member or military spouse shall comply with all other laws and regulations applicable to the practice of dentistry in Texas.

(f) [(4)] The board has 10 business days [30 days] from the date a military service member or military spouse submits the informa-

tion required by subsection (c) [(b)] of this section to notify the applicant that:

(1) the board recognizes the applicant's out-of-state license;

[(1) verify that the member or spouse is active and in good standing in a jurisdiction that has licensing requirements that are substantially equivalent to the requirements for licensure in Texas; and]

(2) the application is incomplete; or

[(2) issue an authorization recognizing the licensure as the equivalent license in this state.]

(3) the board is unable to recognize the applicant's out-of-state license because the board does not issue a license similar in scope of practice to the applicant's license.

(g) [(e)] In the event of a divorce or similar event that affects a person's status as a military spouse, the former spouse may continue to engage in the business or occupation under the authority of this section until the third anniversary of the date the spouse submitted the application required by subsection (c) of this section [received the authorization described by subsection (d) of this section]. A similar event includes the death of the military service member or the military service member's discharge from the military.

(h) [(f)] This section establishes requirements and procedures authorized or required by Texas Occupations Code, Chapter 55, and does not modify or alter rights that may be provided under federal law.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 25, 2025.

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Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: January 11, 2026

For further information, please call: (737) 363-2333



CHAPTER 104. CONTINUING EDUCATION

22 TAC §104.1

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §104.1, pertaining to continuing education requirements. The proposed rule reflects that CDCA-WREB-CITA (a dental exam administrator) and the American Board of Dental Examiners (developer of the ADEX licensure exams) have combined under a single entity: the American Board of Dental Examiners.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule does not expand an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§104.1. Continuing Education Requirements.

As a prerequisite to the biennial renewal of a dental or dental hygiene license, proof of completion of 24 hours of acceptable continuing education is required.

(1) Each licensee shall select and participate in the continuing education courses endorsed by the providers identified in §104.2 of this title (relating to Providers). A licensee, other than a licensee who resides outside of the United States, who is unable to meet education course requirements may request that alternative courses or procedures be approved by the Licensing Committee.

(A) Such requests must be in writing and submitted to and approved by the Licensing Committee prior to the expiration of the biennial period for which the alternative is being requested.

(B) A licensee must provide supporting documentation detailing the reason why the continuing education requirements set forth in this section cannot be met and must submit a proposal for alternative education procedures.

(C) Acceptable causes may include unanticipated financial or medical hardships or other extraordinary circumstances that are documented.

(D) A licensee who resides outside of the United States may, without prior approval of the Licensing Committee, complete all required hours of coursework by self-study.

(i) These self-study hours must be provided by those entities cited in §104.2 of this title. Examples of self-study courses include correspondence courses, video courses, audio courses, and reading courses.

(ii) Upon being audited for continuing education compliance, a licensee who submits self-study hours under this subsection must be able to demonstrate residence outside of the United States for all periods of time for which self-study hours were submitted.

(E) Should a request to the Licensing Committee be denied, the licensee must complete the requirements of this section.

(2) Effective September 1, 2018, the following conditions and restrictions shall apply to coursework submitted for renewal purposes:

(A) At least 16 hours of coursework must be either technical or scientific as related to clinical care. The terms "technical" and "scientific" as applied to continuing education shall mean that courses have significant intellectual or practical content and are designed to directly enhance the practitioner's knowledge and skill in providing clinical care to the individual patient.

(B) Effective January 1, 2021, a licensed dentist whose practice includes direct patient care must complete not less than 2 hours of continuing education annually, and not less than 4 hours for each biennial renewal, regarding safe and effective pain management related to the prescription of opioids and other controlled substances. These 4 hours may be used to satisfy the 16-hour technical and scientific requirement. The courses taken to satisfy the safe and effective pain management requirement must include education regarding:

- (i) reasonable standards of care;
- (ii) the identification of drug-seeking behavior in patients; and
- (iii) effectively communicating with patients regarding the prescription of an opioid or other controlled substance.

(C) Up to 8 hours of coursework may be in risk-management courses. Acceptable "risk management" courses include courses in risk management, record-keeping, and ethics. Dentists may complete continuing education courses described by §111.1 of this title (relating to Additional Continuing Education Required) to satisfy a portion of the risk-management requirement.

(D) Up to 8 hours of coursework may be self-study. These self-study hours must be provided by those entities cited in §104.2 of this title. Examples of self-study courses include correspondence courses, video courses, audio courses, and reading courses.

(E) Hours of coursework in the standards of the Occupational Safety and Health Administration (OSHA) annual update course or in cardiopulmonary resuscitation (CPR) basic life support training may not be considered in the 24-hour requirement.

(F) Hours of coursework in practice finance may not be considered in the 24-hour requirement.

(3) As part of the 24-hour requirement, a course in human trafficking prevention approved by the executive commissioner of the Texas Health and Human Services Commission must be completed.

(4) Each licensee shall complete the jurisprudence assessment every four (4) years. This requirement is in addition to the twenty-

four (24) hours of continuing education required biennially for the renewal of a license.

(5) A licensee may carry forward continuing education hours earned prior to a renewal period which are in excess of the 24-hour requirement and such excess hours may be applied to subsequent years' requirements. Excess hours to be carried forward must have been earned in a classroom setting and within the one year immediately preceding the renewal period. A maximum of 24 total excess credit hours may be carried forward.

(6) Examiners for the American Board of Dental Examiners (ADEX) [The Commission on Dental Competency Assessments-The Western Regional Examining Board-The Council of Interstate Testing Agencies (CDCA-WREB-CITA)] and Central Regional Dental Testing Services-States Resources for Testing and Assessments (CRDTS-SRTA) will be allowed credit for no more than 12 hours biennially, obtained from calibration and standardization exercises associated with the examinations.

(7) Any individual or entity may petition one of the providers listed in §104.2 of this title to offer continuing education.

(8) Providers cited in §104.2 of this title will approve individual courses and/or instructors.

(9) A consultant for the SBDE who is also a licensee of the SBDE is eligible to receive up to 12 hours of continuing education credit biennially to apply towards the biennial renewal continuing education requirement under this section.

(A) Continuing education credit hours shall be awarded for the issuance of an expert opinion based upon the review of SBDE cases and for providing assistance to the SBDE in the investigation and prosecution of cases involving violations of the Dental Practice Act and/or the Rules of the SBDE.

(B) The amount of continuing education credit hours to be granted for each consultant task performed shall be determined by the Executive Director, Division Director, or manager that authorizes the consultant task to be performed. The award of continuing education credit shall be confirmed in writing and based upon a reasonable assessment of the time required to complete the task.

(10) A course instructor who offers continuing education through a provider listed in §104.2 of this title is eligible to receive 2 hours of continuing education credit for every 1 hour of instruction provided. This credit applies per course, per renewal period.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 25, 2025.

TRD-202504329

Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: January 11, 2026

For further information, please call: (737) 363-2333



22 TAC §104.2

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §104.2, pertaining to continuing education providers. The proposed rule reflects that

CDCA-WREB-CITA (a dental exam administrator) and the American Board of Dental Examiners (developer of the ADEX licensure exams) have combined under a single entity: the American Board of Dental Examiners.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule does not expand an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§104.2. Continuing Education Providers.

(a) The Board hereby establishes a list of providers for continuing education courses. Unless specifically required by state law or Board rule, the Board shall not accept or approve specific continuing education courses for requirements related to the issuance or renewal of licensure, registrations, or sedation/anesthesia permits.

(b) At least once per calendar year, the Board shall review the list of providers for continuing education and any applications submitted for continuing education providers, and the Board shall consider

additions or removals of providers from the list provided in this section.

(1) The Presiding Officer may establish an ad hoc committee pursuant to 22 TAC §100.8 (relating to Ad Hoc Committees of the Board) to review the addition or removal of providers and make recommendations to the full Board for approval.

(2) The Board and any ad hoc committee shall consider classifying each provider for full continuing education provider authorization, including clinical, scientific, and sedation/anesthesia provider courses, or for a limited continuing education provider authorization restricted to courses related to risk management, recordkeeping, ethics, and non-clinical dental assistant duties continuing education. If no classification is assigned to a provider, the provider shall be considered a full continuing education provider.

(3) Any addition, removal, or classification of providers shall require a majority vote of the full Board in an open meeting. Any provider being considered for addition, removal, or classification shall be given 10 business days' notice of the consideration, and the provider shall be given an opportunity to appear and make a presentation or submit supporting documentation at the scheduled meeting of the Board or any ad hoc committee regarding the addition, removal, or classification.

(c) Board staff shall develop and provide an application form for continuing education providers. The application form shall provide instructions for submitting provider information and supporting documentation. The Board shall provide the application form for continuing education providers and general instructions on the continuing education provider application process on its public website. Any request to become an approved continuing education provider must be submitted on the application form provided by the Board; failure to utilize the Board's application form shall be grounds to reject the application request.

(d) The Board shall consider the following criteria when reviewing providers:

- (1) the health, safety, and welfare of the residents of Texas;
- (2) access to providers for licensees and registrants in all portions of Texas;
- (3) competency of course providers and quality of course materials;
- (4) internal and external audits, guidelines, safeguards, and standards to ensure consistent and quality education; and
- (5) demonstrable clinical, professional, and/or scientific education experience.

(e) Continuing Education courses endorsed by the following providers will meet the criteria for acceptable continuing education hours if such hours are certified by the following providers:

- (1) American Dental Association--Continuing Education Recognition Program (CERP);
- (2) American Dental Association, its component, and its constituent organizations;
- (3) Academy of General Dentistry and its constituents and approved sponsors;
- (4) Dental/dental hygiene schools and programs accredited by the Commission on Dental Accreditation of the American Dental Association;

(5) American Dental Association approved specialty organizations;

(6) American Dental Hygienists' Association, its component, and its constituent organizations;

(7) American Medical Association approved specialty organizations;

(8) American Medical Association approved hospital courses;

(9) National Dental Association, its constituent, and its component societies;

(10) National Dental Hygienists' Association, its constituent, and its component societies;

(11) Medical schools and programs accredited by the Standards of the Medical Specialties, the American Medical Association, the Advisory Board for Osteopathic Specialists and Boards of Certification, or the American Osteopathic Association;

(12) The American Board of Dental Examiners (ADEX) [~~Commission on Dental Competency Assessments--The Western Regional Examining Board--The Council of Interstate Testing Agencies (CDCA-WREB-CITA)~~] and Central Regional Dental Testing Services--States Resources for Testing and Assessments (CRDTS-SRTA);

(13) American Academy of Dental Hygiene;

(14) American Dental Education Association;

(15) American Heart Association;

(16) Texas Dental Hygiene Educators' Association;

(17) Dental Laboratory Association of Texas;

(18) Dental Assisting National Board;

(19) American Dental Assistants Association and its constituent organizations;

(20) The Compliance Division, LLC;

(21) Dental Compliance Specialists, LLC; and

(22) Other entities approved by the Board as shown in the attached graphic for this section.

Figure: 22 TAC §104.2(e)(22) (No change.)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 25, 2025.

TRD-202504330

Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: January 11, 2026

For further information, please call: (737) 363-2333



CHAPTER 114. EXTENSION OF DUTIES OF AUXILIARY PERSONNEL--DENTAL ASSISTANTS

22 TAC §114.2

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §114.2, pertaining to registration of dental assistants. The proposed amendment: (1) specifies that applications for registration or for renewal of registration must be submitted online; (2) specifies that dental assistants can obtain a duplicate registration from their online account; (3) removes language pertaining to the Dental Assistant Advisory Committee because the committee no longer exists; (4) updates the language to reflect that a student who takes a dental assistant radiology course should be able to demonstrate concepts for both film and digital x-rays, and (5) updates the language to reflect that technology has replaced film x-rays with digital x-rays, although the Board notes that film x-rays are still being used in the dental profession.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule expands an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§114.2. *Registration of Dental Assistants.*

(a) A dental assistant may not position or expose dental x-rays unless the dental assistant holds a dental assistant radiology certificate issued by the State Board of Dental Examiners under this section.

(b) To be eligible for a dental assistant radiology certificate under this section, an applicant must present on or accompanying an application form approved by the State Board of Dental Examiners proof satisfactory to the Board that the applicant has:

(1) Paid all application, examination and licensing fees required by law and Board rules and regulations;

(2) Graduated from an accredited high school or holds a certificate of high school equivalency, General Equivalency Diploma (GED);

(3) Submitted fingerprints for the retrieval of criminal history record information;

(4) Successfully completed a current hands-on course in basic life support; and,

(5) Either:

(A) taken and passed a course of instruction and an examination administered by the State Board of Dental Examiners or its designated agent, that fulfills the requirements in subsection (h) of this section; or,

(B) if the applicant is certified as a dental assistant by the Dental Assisting National Board, taken and passed a jurisprudence examination administered by the State Board of Dental Examiners or its designated agent.

(c) The State Board of Dental Examiners has established a staggered dental assistant registration system comprised of initial registration periods followed by biennial registrations (i.e., renewals). The initial, staggered registration periods will range from 18 months to 30 months. The length of the initial registration period will be determined by the registrant's birth month, but will be no less than 18 months. The expiration of the initial registration will be based on the registrants' birth month.

(d) Subsequent to the initial registration period, a registered dental assistant's biennial renewal will occur on the first day of the month that follows the last month of the dental assistant initial registration period.

(1) Approximately 60 days prior to the expiration date of the initial dental assistant registration period, renewal notices will be mailed to all registered dental assistants who have that expiration date.

(2) A dental assistant registered under this section who wishes to renew his or her registration must:

(A) Pay a renewal fee set by Board rule;

(B) Submit proof that the applicant has successfully completed a current hands-on course in basic life support; and,

(C) Complete continuing education as required by §114.12 of this chapter.

(3) A registration expired for one year or more may not be renewed.

(4) Up to 6 hours of continuing education may be carried forward from the year preceding the current renewal period.

(e) Applications for registration or for renewal of registration must be submitted to the office of the State Board of Dental Examiners through the applicant's online Board account.

~~[(f)]~~ An application for registration is filed with the State Board of Dental Examiners when it is actually received, date-stamped, and logged-in by the State Board of Dental Examiners along with all required documentation and fees. An incomplete application for registration and fee will be returned to applicant within three working days with an explanation of additional documentation or information needed.}]

~~[(f)]~~ ~~[(g)]~~ A dental assistant shall display a current registration certificate in each office where the dental assistant provides services for which registration is required by this chapter. When a dental assistant provides such services at more than one location, a duplicate registration certificate issued by the Board may be displayed. ~~[Photocopies are not acceptable.]~~ The duplicate may be obtained from the State Board of Dental Examiners for a fee set by the Board, or a dental assistant may print the duplicate from his or her online Board account.

~~[(g)]~~ ~~[(h)]~~ Radiology. Courses administered to fulfill the requirements of a Dental Assistant Radiology Certificate must cover the following course objectives ~~[identified by the Dental Assistant Advisory Committee]~~:

(1) At the end of this course of instruction, the student should be able to demonstrate concepts for both film and digital radiography:

(A) Apply principles of radiation safety in the operation of radiographic equipment.

- (i) Explain factors affecting x-ray production.
- (ii) Explain x-ray machine factors that influence radiation safety.
- (iii) Identify differences between primary radiation and scattered (secondary) radiation.
- (iv) Describe protocol in suspected x-ray machine malfunctions.

(B) Practice safety measures for patient protection.

- (i) Explain major cause of unnecessary radiation exposure.
- (ii) Identify short and long-term effects of radiation on cells and tissues.
- (iii) Identify ways to reduce radiation exposure to patients.
- (iv) Explain guidelines to determine frequency of radiation exposure.

(C) Practice safety measures for operator protection.

- (i) Explain basic radiation physics and biology related to operator exposure.
- (ii) Explain sources of radiation to operators while exposing radiographs.
- (iii) Identify safety measures to reduce operator radiation exposure.

(D) Identify and select infection control techniques and barriers to minimize cross-contamination according to ADA/CDC guidelines.

(E) Utilize patient management techniques before, during, and after radiographic exposure.

- (i) Address patient concerns regarding radiation exposure.

~~[(ii)]~~ Select appropriate patient management techniques for radiographic exposure.

(F) Select appropriate intraoral and extraoral radiographic technique.

~~[(i)]~~ Identify appropriate armamentarium for radiographic techniques.

~~[(ii)]~~ Select appropriate film size and film speed.

~~[(iii)]~~ Select appropriate equipment.

~~[(iv)]~~ ~~[(iii)]~~ Expose radiographs.

~~[(G)]~~ Practice infection control procedures for radiographic processing.}]

~~[(H)]~~ Prepare, maintain, and replenish radiographic solutions for manual and automatic processors.}]

~~[(I)]~~ Process exposed intra- and extraoral radiographs manually and with automatic processors.}]

~~[(ii)]~~ Identify optimum conditions and procedures for processing radiographs.}]

~~[(ii)]~~ Identify and correct errors related to radiographic processing and improper film handling.}]

~~[(J)]~~ Store film and chemical agents used in radiographic procedures according to regulatory guidelines.}]

~~[(K)]~~ Dispose of all chemical agents and other materials used in dental radiographic procedures.}]

~~[(G)]~~ ~~[(L)]~~ Mount radiographs using facial view.

~~[(i)]~~ Identify anatomical landmarks to aid in correct mounting.

~~[(ii)]~~ Match specific tooth views to specified tooth mount windows.}]

~~[(iii)]~~ Utilize optimum viewing techniques.}]

~~[(ii)]~~ ~~[(iv)]~~ Label the radiographic images ~~[mount]~~ appropriately, including the name of the patient and date the radiograph was taken.

~~[(H)]~~ ~~[(M)]~~ Identify anatomical structures, dental materials and patient characteristics observed on radiographs.

~~[(I)]~~ ~~[(N)]~~ Evaluate radiographs for diagnostic value.

~~[(i)]~~ Identify diagnostically acceptable radiographs.

~~[(ii)]~~ Identify and correct causes of errors on intraoral and extraoral radiographs.

~~[(O)]~~ Understand basic principles of extraoral radiology.}]

~~[(P)]~~ Select the appropriate film and equipment.}]

~~[(J)]~~ ~~[(Q)]~~ Prepare patient for exposure.

~~[(R)]~~ Expose extraoral radiographs.}]

~~[(S)]~~ Identify and correct causes of errors on extraoral radiographs.}]

~~[(T)]~~ Explain the concept of digital radiography.}]

~~[(U)]~~ Select appropriate equipment.}]

~~[(V)]~~ Expose digital radiographs.}]

~~[(W)]~~ Identify and correct causes of errors on digital radiographs.]

~~[(K)]~~ ~~[(X)]~~ Utilize quality assurance procedures in the dental office for radiographic procedures.

~~[(L)]~~ ~~[(Y)]~~ Prepare radiographs to comply with legal requirements for viewing and duplication.

(i) Explain methods for duplicating radiographs.

(ii) Explain reasons for exposing and retaining radiographs.

~~[(M)]~~ ~~[(Z)]~~ Comply with HIPAA/Patient Privacy Rules and Regulations.

(2) Infection control. At the end of this course of instruction, the student should be able to:

(A) Follow standards and guidelines of occupational safety for dental office personnel.

(i) Utilize regulations in the OSHA/CDC Blood-borne Pathogens Standard.

(ii) Utilize regulations in the OSHA/CDC Hazard Communication Standard.

(iii) When applicable, proper disposal of chemicals used in the developing of radiographs shall comply with all other laws and regulations applicable to the practice of dentistry in Texas.

(B) Identify infectious diseases in the dental setting and available immunizations.

(C) Prevent cross-contamination and disease transmission in the dental setting.

(i) Perform proper hand washing.

(ii) Use disposable items whenever possible.

(iii) Utilize barrier techniques and personal protective equipment (PPE).

(D) Perform disinfection procedures.

(i) Select appropriate PPE.

(ii) Select, prepare and use chemical agents following manufacturer's directions.

(iii) Prepare surfaces for disinfection.

(iv) Disinfect the treatment room, darkroom, instrument processing area, and all associated equipment.

(E) Perform sterilization procedures.

(i) Select appropriate PPE.

(ii) Prepare dental instruments and equipment for sterilization.

(iii) Apply appropriate method for sterilization of dental instruments, equipment and supplies.

(iv) Label and store all instruments properly.

(v) Monitor effectiveness of sterilization process for dental instruments, equipment and supplies.

(F) Maintain infection control of dental unit and equipment.

(G) Practice safety measures when handling all hazardous materials.

(i) Identify and dispose of biohazardous waste.

(ii) Identify and dispose of non-regulated waste.

(iii) Identify and manage potential chemical and physical hazards in accordance with MSDS sheets.

(H) Practice infection control in handling and transporting dental items.

(i) Select appropriate PPE.

(ii) Identify conditions for potential cross-contamination.

(iii) Select and apply appropriate disinfectant.

(iv) Label biohazardous material.

(I) Utilize and maintain a quality assurance program for infection control throughout the dental setting.

(3) Jurisprudence. At the end of this course of instruction, the student should be able to:

(A) State the mission, philosophy and composition of the State Board of Dental Examiners.

(B) Differentiate between the Texas Occupations Code and the rules of the State Board of Dental Examiners.

(C) Comply with Texas law and the rules of the State Board of Dental Examiners as they relate to dental assistant duties.

(h) [(+)] This subsection as well as subsections (j) and (k) of this section apply to certificates issued on or after September 1, 2009. A dental assistant who holds a certificate of registration issued under this chapter shall display the person's current certificate of registration in each office in which the person makes dental x-rays. If the person makes dental x-rays at more than one location, the person may display a duplicate of the original registration certificate obtained from the Board on payment of a duplicate certificate fee set by the Board, or the person may print the duplicate from his or her online Board account.

(i) [(+)] A dental assistant who holds a certificate of registration issued under this chapter shall timely notify the Board of:

(1) any change of address of the registrant's place of business;

(2) any change of the registrant's employer; and

(3) any change of the registrant's mailing address.

(j) [(+)] The Board may issue a registration to a dental assistant applicant who is a Military service member, Military veteran, or Military spouse in compliance with §101.6 of this title (relating to Dental Licensing for Military Service Members, Military Veterans and Military Spouses).

(k) [(+)] An applicant for registration is ineligible if they are in violation of a board order at the time of application.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 24, 2025.

TRD-202504323



22 TAC §114.3

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §114.3, pertaining to dental assistants applying pit and fissure sealants. This rule was recently reviewed in accordance with the Board's rule review plan. As a result of the review, the Board proposes changes that correct punctuation and typo errors.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) the implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule does not expand an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§114.3. Pit and Fissure Sealants [Sealant].

(a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Didactic education" requires the presentation and instruction of theory and scientific principles.

(2) "Clinical education" requires providing care to patient(s) under the direct supervision of a dentist or dental hygienist instructor.

(3) "Direct Supervision" requires that the instructor responsible for the procedure shall be physically present during patient care and shall be aware of the patient's physical status and well-being.

(b) In addition to application of pit and fissure sealants, a dental assistant who meets the requirements in this section may use a rubber prophylaxis cup and appropriate polishing materials to cleanse the occlusal and smooth surfaces of teeth that will be sealed or to prepare teeth for application of orthodontic bonding resins. Cleansing is intended only to prepare the teeth for the application of sealants or bonding resins and should not exceed the amount needed to do so.

(c) The dentist may not bill for a cleansing provided hereunder as a prophylaxis.

(d) A Texas-licensed dentist may delegate the application of pit and fissure sealants to a dental assistant₂ if the dental assistant [assist] has:

(1) at least two years of experience as a dental assistant;

(2) successfully completed a current course in basic life support; and

(3) completed a minimum of 8 hours of education that includes clinical and didactic education in pit and fissure sealants taken through a CODA-accredited dental, dental hygiene, or dental assistant program approved by the Board whose course of instruction includes:

- (A) infection control;
- (B) cardiopulmonary resuscitation;
- (C) treatment of medical emergencies;
- (D) microbiology;
- (E) chemistry;
- (F) dental anatomy;
- (G) ethics related to pit and fissure sealants;
- (H) jurisprudence related to pit and fissure sealants; and

(I) the correct application of sealants, including the actual clinical application of sealants.

(e) Application of pit and fissure sealants must be in accordance with the minimum standard of care and limited to the dental assistant's scope of practice.

(f) The dental assistant must comply with the Dental Practice Act and Board Rules in the application of pit and fissure sealants. Pursuant to §258.003 of the Dental Practice Act, the delegating dentist is responsible for all dental acts delegated to a dental assistant, including application of pit and fissure sealants [sealant].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 25, 2025.

TRD-202504332

Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: January 11, 2026

For further information, please call: (737) 363-2333



22 TAC §114.7

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §114.7, pertaining to exemption from registration for certain military service members and military spouses. The purpose of the proposal is to implement House Bill 5629 and Senate Bill 1818, 89th Legislature, Regular Session (2025), which amended Texas Occupations Code Chapter 55, Licensing of Military Service Members, Military Veterans, and Military Spouses with the following changes: (1) defines good standing; (2) removes the three-year limit to practice as long as the applicant is stationed at a military installation; (3) allows for an authorization to practice if the applicant holds a current registration issued by another state that is similar in scope of practice to the registration in this state and is in good standing with that state's licensing authority; and (4) requires the Board to process applications within 10 business days. The proposal also clarifies that a registration is issued to dental assistants, not a license.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be an increase in the number of military affiliated applicants receiving authorizations to practice in this state.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule creates a new regulation; (6) the proposed rule expands an existing regulation; (7) the proposed rule increases the number of individuals subject to the rule's applicability by changing the substantially equivalent registration requirements to similar scope of practice as a registration issued by the Board; and

(8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety, and under Chapter 55, Texas Occupations Code.

Chapter 55 of the Texas Occupations Code is affected by this proposed rule.

§114.7. Exemption from Registration [Licensure] for Certain Military Service Members and Military Spouses.

(a) Definition. "Good standing" is defined in §55.0042, Texas Occupations Code.

(b) ~~[(a)]~~ The executive director of the Texas State Board of Dental Examiners must authorize a qualified military service member or military spouse to perform delegated permitted duties as a dental assistant in Texas without obtaining a registration in accordance with §55.0041(a), Texas Occupations Code. This authorization to perform delegated permitted duties is valid during the time the military service member or, with respect to a military spouse, the military service member to whom the military spouse is married is stationed at a military installation in Texas ~~[, but is not to exceed three years].~~

(c) ~~[(b)]~~ In order to receive authorization to perform delegated permitted duties, the military service member or military spouse must:

(1) hold a registration similar in scope of practice issued by the licensing authority of another state and is in good standing with that licensing authority;

(2) submit an application to the board that includes:

(A) a copy of the member's military orders showing relocation to this state;

(B) if the applicant is a military spouse, a copy of the military spouse's marriage license; and

(C) a notarized affidavit affirming under penalty of perjury that:

(i) the applicant is the person described and identified in the application;

(ii) all statements in the application are true, correct, and complete;

(iii) the applicant understands the scope of practice for the applicable registration in this state and will not perform outside of that scope of practice; and

(iv) the applicant is in good standing in each state in which the applicant holds or has held an applicable registration.

~~[(1) hold an active registration to perform delegated permitted duties as a dental assistant in another state, territory, Canadian province, or country that:]~~

[(A) has registration requirements that are determined by the board to be substantially equivalent to the requirements for registration in Texas; and]

[(B) is not subject to any restriction, disciplinary order, probation, or investigation;]

[(2) notify the board of the military service member or military spouse's intent to perform delegated permitted duties in Texas on a form prescribed by the board; and]

[(3) submit proof of the military service member or military spouse's residency in this state; a copy of the military service member or military spouse's military identification card; and proof of the military service member's status as an active duty military service member as defined by §437.001(1), Texas Government Code (relating to Definitions).]

(d) The board has sole discretion in determining whether an applicant's out-of-state registration is similar in scope to a registration issued by the board.

(e) [(e)] While authorized to perform delegated permitted duties as a dental assistant in Texas, the military service member or military spouse shall comply with all other laws and regulations applicable to the practice of dentistry in Texas.

(f) [(d)] The board has 10 business days [30 days] from the date a military service member or military spouse submits the information required by subsection (c) [(b)] of this section to notify the applicant that:

(1) the board recognizes the applicant's out-of-state registration;

[(1) verify that the member or spouse is active and in good standing in a jurisdiction that has registration requirements that are substantially equivalent to the registration requirements in Texas; and]

(2) the application is incomplete; or

[(2) issue an authorization recognizing the registration as the equivalent registration in this state.]

(3) the board is unable to recognize the applicant's out-of-state registration because the board does not issue a registration similar in scope of practice to the applicant's registration.

(g) [(e)] In the event of a divorce or similar event that affects a person's status as a military spouse, the former spouse may continue to engage in the business or occupation under the authority of this section until the third anniversary of the date the spouse submitted the application required by subsection (c) of this section. [~~received the authorization described by subsection (d) of this section.~~] A similar event includes the death of the military service member or the military service member's discharge from the military.

(h) [(f)] This section establishes requirements and procedures authorized or required by Texas Occupations Code, Chapter 55, and does not modify or alter rights that may be provided under federal law.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 25, 2025.

TRD-202504328

Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: January 11, 2026

For further information, please call: (737) 363-2333

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CHAPTER 115. EXTENSION OF DUTIES OF AUXILIARY PERSONNEL--DENTAL HYGIENE

22 TAC §115.4

The State Board of Dental Examiners (Board) proposes this amendment to 22 TAC §115.4, pertaining to placement of site specific subgingival medicaments. The proposed rule simply updates the applicable section of the Texas Occupations Code pertaining to the practice of dental hygiene and a hygienist being able to topically apply drugs.

FISCAL NOTE: Casey Nichols, Executive Director, has determined that for the first five-year period the proposed rule is in effect, the proposed rule does not have foreseeable implications relating to cost or revenues of the state or local governments.

PUBLIC BENEFIT-COST NOTE: Casey Nichols has also determined that for the first five-year period the proposed rule is in effect, the public benefit anticipated as a result of this rule will be the protection of public safety and welfare.

LOCAL EMPLOYMENT IMPACT STATEMENT: Casey Nichols has also determined that the proposed rule does not affect local economies and employment.

SMALL AND MICRO-BUSINESS, RURAL COMMUNITY IMPACT STATEMENT: Casey Nichols has determined that no economic impact statement and regulatory flexibility analysis for small businesses, micro-businesses, and rural communities is necessary for this proposed rule.

GOVERNMENT GROWTH IMPACT STATEMENT: The Board has determined that for the first five-year period the proposed rule is in effect, the following government growth effects apply: (1) the proposed rule does not create or eliminate a government program; (2) implementation of the proposed rule does not require the creation or elimination of employee positions; (3) implementation of the proposed rule does not require an increase or decrease in future appropriations; (4) the proposed rule does not require an increase in fees paid to the agency; (5) the proposed rule does not create a new regulation; (6) the proposed rule does not expand an existing regulation; (7) the proposed rule does not increase or decrease the number of individuals subject to it; and (8) the proposed rule does not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Casey Nichols, Executive Director, 1801 Congress Avenue, Suite 8.600, Austin, Texas 78701, by fax to (512) 649-2482, or by email to official_rules_comments@tsbde.texas.gov for 30 days following the date that the proposed rule is published in the *Texas Register*. To be considered for purposes of this rulemaking, comments must be: (1) postmarked or shipped by the last day of the comment period; or (2) faxed or e-mailed by midnight on the last day of the comment period.

This rule is proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with

state laws relating to the practice of dentistry to protect the public health and safety.

No statutes are affected by this proposed rule.

§115.4. Placement of Site Specific Subgingival Medicaments.

Pursuant to Texas Occupations Code §262.002(a)(4) [~~§262.002(a)(6)~~], the placement and removal of site specific subgingival medicaments may be delegated to a Texas licensed dental hygienist under the general supervision of, and in the office of, a Texas licensed dentist, only after scaling and root planing.

(1) The responsibility for diagnosis, treatment planning, the prescription of therapeutic measures, and re-evaluation, shall remain with a Texas licensed dentist and may not be delegated to any dental hygienist or dental assistant.

(2) Site specific subgingival medicaments are considered to be of "topical" nature and are agents approved for use by the Food and Drug Administration (FDA).

(3) The placement of site specific subgingival medicaments may not be assigned to a dental assistant.

(4) The Texas licensed dentist shall be responsible for identifying, selecting, and obtaining training that, in the dentist's reasoned opinion, will bring the dentist and dental hygienist to clinical competency prior to delegating the application of site specific subgingival medicaments to a dental hygienist.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 25, 2025.

TRD-202504335

Lauren Studdard

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: January 11, 2026

For further information, please call: (737) 363-2333



PART 21. TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 463. APPLICATIONS AND EXAMINATIONS

SUBCHAPTER B. LICENSING REQUIREMENTS

22 TAC §463.8

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists propose amendments to §463.8, relating to Licensed Psychological Associate.

Overview and Explanation of the Proposed Rule. The proposed amendments will align the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist. The proposed amendments remove a requirement that an applicant preemptively identify transcript courses to Council staff, instead of on

request. The proposed amendments also expand authorization to use up to 12 hours of graduate course credit from a secondary graduate degree program to meet licensure requirements. Finally, the proposed amendments remove language regarding remediating application deficiencies that are now superseded by Council Rule 882.14.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an exist-

ing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§463.8. *Licensed Psychological Associate.*

(a) **Licensure Requirements.** An applicant for licensure as a psychological associate must:

(1) hold a graduate degree in psychology from a regionally accredited institution of higher education;

(2) provide documentation of at least six (6) semester credit hours of practicum, internship or other structured experience within the applicant's graduate degree program under the supervision of a licensed psychologist or under the supervision of an individual that holds a license as a ~~school psychologist~~; [~~specialist in school psychology~~];

(3) pass all examinations required by the Council and meet each of the criteria listed in §501.2525(a)(3)-(9) of the Occupations Code; and

(4) demonstrate graduate level coursework in each of the following areas:

(A) **Psychological Foundations:**

(i) the biological bases of behavior;

(ii) the acquired or learned bases of behavior, including learning, thinking, memory, motivation and emotion;

(iii) the social, cultural, and systemic bases of behavior;

(iv) the individual or unique bases of behavior, including personality theory, human development, and abnormal behavior;

(B) **Research and Statistics:**

(i) the methodology used to investigate questions and acquire knowledge in the practice of psychology;

(ii) coursework in research design and methodology, statistics, critical thinking, and scientific inquiry;

(C) **Applied Psychology:**

(i) the history, theory, and application of psychological principles;

(ii) the application of psychological theories to individuals, families, and groups;

(D) **Assessment:**

(i) intellectual, personality, cognitive, physical, and emotional abilities, skills, interests, and aptitudes;

(ii) socio-economic, including behavioral, adaptive, and cultural assessment;

(E) **Interventions:**

(i) the application of therapeutic techniques;

(ii) behavior management;

(iii) consultation; and

(F) **Scientific and Professional, Legal, and Ethical Issues.**

(b) **Degree Requirements.**

(1) For purposes of this rule:

(A) a graduate degree in psychology means the name of the candidate's major or program of studies contains the term "psychology;"

(B) a specialist degree shall be treated as a graduate degree; and

(C) one semester credit hour equals one and one-half quarter credit hours.

(2) A degree utilized to meet the requirements of this rule must consist of at least sixty (60) semester credit hours, with no more than twelve (12) semester credit hours of practicum, internship, or structured experience being counted toward the total degree hour requirement.

(3) ~~[Applicants must demonstrate proof of the graduate level coursework required in subsection (a)(2) and (4) of this section by identifying which courses or training listed on their transcripts satisfy the required areas of study.]~~ Applicants may be required to provide the Council with an official course catalogue or description from their university or training program to verify whether a course meets the requirements of this rule.

(4) Applicants may use up to 12 graduate level semester credit hours from another graduate degree program in psychology to meet the required total credit hours or coursework requirements.

(c) Supervision Requirements.

(1) A licensed psychological associate must practice under the supervision of a licensed psychologist and may not practice independently.

(2) Notwithstanding paragraph (1) of this subsection and subject to the limitations set out in paragraph (3) of this subsection, a licensed psychological associate may practice independently if:

(A) the licensee can demonstrate at least 3,000 hours of post-graduate degree experience in the delivery of psychological services under the supervision of one or more licensed psychologists;

(B) the supervised experience was obtained in not less than 24 consecutive months, but not more than 48 consecutive months, and in not more than three placements; and

(C) the licensee submits an application for independent practice evidencing proof of the required supervised experience.

(3) A licensed psychological associate meeting the requirements of paragraph (2) of this subsection shall be approved for independent practice, but remains subject to all Council rules, including §463.9 of this title.

(4) Applicants shall not utilize any supervised experience obtained from a psychologist with a restricted license or to whom they are related within the second degree of affinity or consanguinity to satisfy the requirements of this rule.

(5) Applicants licensed as a ~~[specialists in]~~ school psychologist ~~[psychology]~~ or as a provisionally licensed psychologist may utilize experience acquired under that license if the experience was supervised by a licensed psychologist.

(d) The correct title for a person licensed under this rule shall be "licensed psychological associate" or "psychological associate."

(e) A licensed psychological associate authorized to practice independently under this rule must inform all patients and clients as part of the informed consent process, whether the licensee holds a master's, specialist or doctoral degree, and provide the patient with a current copy of any informational pamphlet or brochure published by the Council describing the differences between the levels of training and education received in master's, specialist, and doctoral degree programs. In lieu of providing each patient or client with a copy of the required pamphlet or brochure, licensees may publish in a conspicuous manner, the pamphlet or brochure on their website or provide a link to the pamphlet or brochure on the Council's website.

(f) Continuation of Prior Law.

(1) Notwithstanding subsection (b)(2) of this section, a person who began a graduate program before August 31, 2019, leading to a degree in psychology, that otherwise meets the requirements of subsection (a)(1) of this section, shall be considered to have met the requirements of subsection (b)(2) of this section if the individual has completed 42 semester credit hours.

(2) Applicants with degrees consisting of less than 42 semester credit hours may utilize a maximum of 12 semester credit hours from another graduate degree program in psychology to achieve the total of 42 semester credit hours to meet the requirement of subsection (f)(1) of this section.

~~[(g) Remedy for Incomplete Licensure Requirements.]~~

~~[(1) An applicant who has completed a graduate degree in psychology, from a regionally accredited institution of higher education, that consists of at least sixty (60) semester credit hours, is currently licensed as an LSSP, or meets the requirements of subsection (f) of this section, and who does not meet all of the qualifications for licensure set out in subsection (a)(2) and (4) of this section may petition for permission to remediate an area of deficiency. An applicant may not petition for the waiver or modification of the requisite degree or passage of the requisite examinations.]~~

~~[(2) The Council may allow an applicant to remediate a deficiency identified in paragraph (1) of this subsection if the applicant can demonstrate:]~~

~~[(A) the prerequisite is not mandated by federal law, the state constitution or statute, or 22 TAC Part 41; and]~~

~~[(B) the remediation would not adversely affect the public welfare.]~~

~~[(3) The Council may approve or deny a petition under this subsection, and in the case of approval, may condition the approval on reasonable terms and conditions designed to ensure the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice as a licensed psychological associate.]~~

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 30, 2025.

TRD-202504345

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



22 TAC §463.9

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists propose amendments to §463.9, relating to Licensed Specialist in School Psychology.

Overview and Explanation of the Proposed Rule. The proposed amendments will align the Council's rules with House Bill 2598,

passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§463.9. Licensure as a School Psychologist [Licensed Specialist in School Psychology].

(a) License Requirements. An applicant for licensure as a [specialist in] school psychologist [psychology] must:

- (1) hold an appropriate graduate degree;

- (2) provide proof of specific graduate level coursework;
- (3) provide proof of an acceptable internship;
- (4) provide proof of passage of all examinations required by the Council; and
- (5) meet the requirements imposed under §501.2525(a)(3) - (9) of the Occupations Code.

(b) Applicants who hold active certification as a Nationally Certified School Psychologist (NCSP) are considered to have met all requirements for licensure under this rule except for passage of the Jurisprudence Examination. Applicants relying upon this subsection must provide the Council with their NCSP certification number.

(c) Applicants who graduated from a training program accredited or approved by the National Association of School Psychologists or accredited in School Psychology by the American Psychological Association are considered to have met all training and internship requirements for licensure under this rule. Applicants relying upon this subsection must submit an official transcript indicating the degree and date the degree was awarded or conferred.

(d) Appropriate Graduate Degrees.

(1) Applicants who do not hold active NCSP certification, or who did not graduate from a training program accredited or approved by the National Association of School Psychologists or accredited in School Psychology by the American Psychological Association, must have completed a graduate degree in psychology from a regionally accredited institution of higher education. For purposes of this rule, a graduate degree in psychology means the name of the candidate's major or program of study is titled psychology.

(2) Applicants applying under this subsection must have completed, either as part of their graduate degree program or after conferral of their graduate degree, at least 60 graduate level semester credit hours from a regionally accredited institution of higher education. A maximum of 12 internship hours may be counted toward this requirement.

(3) An applicant who holds a graduate degree that does not qualify under subsection (d)(1) but meets the requirements of subsection (d)(2) is considered to have an appropriate graduate degree if:

(A) the applicant holds a certificate of completion from a graduate-level training program designed to train individuals from related disciplines in the practice of school psychology;

(B) the applicant holds a graduate degree in a discipline related to psychology from a regionally accredited institution of higher education;

(C) the applicant is licensed, certified, or registered in good standing to practice school psychology in another jurisdiction; or

(D) the applicant was licensed, certified, or registered to practice school psychology in another jurisdiction within the previous ten years before application for licensure and was not subject to any administrative or disciplinary actions during that same time period.

(e) Applicants applying under subsection (d) of this section must submit evidence of graduate level coursework as follows:

- (1) Psychological Foundations, including:
 - (A) biological bases of behavior;
 - (B) human learning;
 - (C) social bases of behavior;
 - (D) multi-cultural bases of behavior;

- (E) child or adolescent development;
- (F) psychopathology or exceptionalities;

- (2) Research and Statistics;
- (3) Educational Foundations, including any of the following:

- (A) instructional design;
- (B) organization and operation of schools;
- (C) classroom management; or
- (D) educational administration;

- (4) School-based Assessment, including:

- (A) psychoeducational assessment;
- (B) socio-emotional, including behavioral and cultural, assessment;

- (5) School-based Interventions, including:

- (A) counseling;
- (B) behavior management;
- (C) consultation;

- (6) Professional, Legal and Ethical Issues; and

- (7) A School-based Practicum.

(f) Applicants applying under subsection (d) of this section must have completed an internship with a minimum of 1200 hours and that meets the following criteria:

(1) At least 600 of the internship hours must have been completed in a public school.

(2) The internship must be provided through a formal course of supervised study from a regionally accredited institution of higher education in which the applicant was enrolled; or the internship must have been obtained in accordance with Council §463.11(d)(1) and (d)(2)(C) of this title.

(3) Any portion of an internship completed within a public school must be supervised by a School Psychologist, [Licensed Specialist in School Psychology,] and any portion of an internship not completed within a public school must be supervised by a Licensed Psychologist.

(4) No experience which is obtained from a supervisor who is related within the second degree of affinity or consanguinity to the supervisee may be utilized.

(5) Unless authorized by the Council, supervised experience received from a supervisor practicing with a restricted license may not be utilized to satisfy the requirements of this rule.

(6) Internship hours must be obtained in not more than two placements. A school district, consortium, and educational co-op are each considered one placement.

(7) Internship hours must be obtained in not less than one or more than two academic years.

(8) An individual completing an internship under this rule must be designated as an intern.

(9) Interns must receive no less than two hours of supervision per week, with no more than half being group supervision. The amount of weekly supervision may be reduced, on a proportional basis, for interns working less than full-time.

(10) The internship must include direct intern application of assessment, intervention, behavior management, and consultation, for children representing a range of ages, populations and needs.

(g) Provision of psychological services in the public schools by unlicensed individuals.

(1) An unlicensed individual may provide psychological services under supervision in the public schools if the individual is enrolled in an internship, practicum or other site based training in a psychology program in a regionally accredited institution of higher education. An unlicensed individual no longer enrolled in a psychology program may nevertheless continue providing psychological services through completion of an internship, practicum, or other site based training begun while enrolled in the psychology program.

(2) An unlicensed individual may not provide psychological services in a private school setting unless the activities or services provided are exempt under §501.004 of the Psychologists' Licensing Act.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 30, 2025.

TRD-202504346

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



22 TAC §463.11

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists propose amendments to §463.11, relating to Supervised Experience Required for Licensure as a Psychologist.

Overview and Explanation of the Proposed Rule. The proposed amendments will align the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be

no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this

State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§463.11. Supervised Experience Required for Licensure as a Psychologist.

(a) Required Supervised Experience. In order to qualify for licensure, an applicant must submit proof of a minimum of 3,500 hours of supervised experience, at least 1,750 of which must have been obtained through a formal internship that occurred within the applicant's doctoral degree program and at least 1,750 of which must have been received as a provisionally licensed psychologist (or under provisional trainee status under prior versions of this rule).

(1) A formal internship completed after the doctoral degree was conferred, but otherwise meeting the requirements of this rule, will be accepted for an applicant whose doctoral degree was conferred prior to September 1, 2017.

(2) The formal internship must be documented by the Director of Internship Training. Alternatively, if the Director of Internship Training is unavailable, the formal internship may be documented by a licensed psychologist with knowledge of the internship program and the applicant's participation in the internship program.

(3) Following conferral of a doctoral degree, 1,750 hours obtained or completed while employed in the delivery of psychological services in an exempt setting, while licensed or authorized to practice in another jurisdiction, or while practicing as a psychological associate or school psychologist [specialist in school psychology] in this state may be substituted for the minimum of 1,750 hours of supervised experience required as a provisionally licensed psychologist if the experience was obtained or completed under the supervision of a licensed psychologist. Post-doctoral supervised experience obtained without a

provisional license or trainee status prior to September 1, 2016, may also be used to satisfy, either in whole or in part, the post-doctoral supervised experience required by this rule if the experience was obtained under the supervision of a licensed psychologist.

(b) Satisfaction of Post-doctoral Supervised Experience with Doctoral Program Hours.

(1) Applicants who received their doctoral degree from a degree program accredited by the American Psychological Association (APA), the Canadian Psychological Association (CPA), Psychological Clinical Science Accreditation System (PCSAS), or a substantially equivalent degree program, may count the following hours of supervised experience completed as part of their degree program toward the required post-doctoral supervised experience:

(A) hours in excess of 1,750 completed as part of the applicant's formal internship; and

(B) practicum hours certified by the doctoral program training director (or the director's designee) as meeting the following criteria:

(i) the practicum training is overseen by the graduate training program and is an organized, sequential series of supervised experiences of increasing complexity, serving to prepare the student for internship and ultimately licensure;

(ii) the practicum training is governed by a written training plan between the student, the practicum training site, and the graduate training program. The training plan must describe how the trainee's time is allotted and assure the quality, breadth, and depth of the training experience through specification of the goals and objectives of the practicum, the methods of evaluation of the trainee's performance, and reference to jurisdictional regulations governing the supervisory experience. The plan must also include the nature of supervision, the identities of the supervisors, and the form and frequency of feedback from the agency supervisor to the training faculty. A copy of the plan must be provided to the Council upon request;

(iii) the supervising psychologist must be a member of the staff at the site where the practicum experience takes place;

(iv) at least 50% of the practicum hours must be in service-related activities, defined as treatment or intervention, assessment, interviews, report-writing, case presentations, and consultations;

(v) individual face-to-face supervision shall consist of no less than 25% of the time spent in service-related activities;

(vi) at least 25% of the practicum hours must be devoted to face-to-face patient or client contact;

(vii) no more than 25% of the time spent in supervision may be provided by a licensed allied mental health professional or a psychology intern or post-doctoral fellow; and

(viii) the practicum must consist of a minimum of 15 hours of experience per week.

(2) Applicants applying for licensure under the substantial equivalence clause must submit an affidavit or unsworn declaration from the program's training director or other designated leader familiar with the degree program, demonstrating the substantial equivalence of the applicant's degree program to an APA, PCSAS, or CPA accredited program at the time of the conferral of applicant's degree.

(3) An applicant and the affiant or declarant shall appear before the agency in person to answer any questions, produce supporting documentation, or address any concerns raised by the application if requested by a council or board member or the Executive Director.

Failure to comply with this paragraph shall constitute grounds for denial of substantial equivalency under this rule.

(c) General Requirements for Supervised Experience. All supervised experience for licensure as a psychologist, including the formal internship, must meet the following requirements:

(1) Each period of supervised experience must be obtained in not more than two placements, and in not more than 24 consecutive months.

(2) A formal internship with rotations, or one that is part of a consortium within a doctoral program, is considered to be one placement. A consortium is composed of multiple placements that have entered into a written agreement setting forth the responsibilities and financial commitments of each participating member, for the purpose of offering a well-rounded, unified psychology training program whereby trainees work at multiple sites, but obtain training from one primary site with some experience at or exposure to aspects of the other sites that the primary site does not offer.

(3) The supervised experience required by this rule must be obtained after official enrollment in a doctoral program.

(4) All supervised experience must be received from a psychologist licensed at the time supervision is received.

(5) The supervising psychologist must be trained in the area of supervision provided to the supervisee.

(6) Experience obtained from a psychologist who is related within the second degree of affinity or consanguinity to the supervisee may not be utilized to satisfy the requirements of this rule.

(7) All supervised experience obtained for the purpose of licensure must be conducted in accordance with all applicable Council rules.

(8) Unless authorized by the Council, supervised experience received from a psychologist practicing with a restricted license may not be utilized to satisfy the requirements of this rule.

(9) The supervisee shall be designated by a title that clearly indicates a supervisory licensing status such as "intern," "resident," "trainee," or "fellow." An individual who is a Provisionally Licensed Psychologist or a Licensed Psychological Associate may use that title so long as those receiving psychological services are clearly informed that the individual is under the supervision of a licensed psychologist. An individual who is a School Psychologist [~~Licensed Specialist in School Psychology~~] may use that title so long as the supervised experience takes place within a school, and those receiving psychological services are clearly informed that the individual is under the supervision of an individual who is licensed as a psychologist and school psychologist. [~~specialist in school psychology~~] Use of a different job title is permitted only if authorized under §501.004 of the Psychologists' Licensing Act, or another Council rule.

(d) Formal Internship Requirements. The formal internship hours must be satisfied by one of the following types of formal internships:

(1) The successful completion of an internship program accredited by the American Psychological Association (APA) or Canadian Psychological Association (CPA), or which is a member of the Association of Psychology Postdoctoral and Internship Centers (AP-PIC); or

(2) The successful completion of an organized internship meeting all of the following criteria:

(A) It must constitute an organized training program which is designed to provide the intern with a planned, programmed sequence of training experiences. The primary focus and purpose of the program must be to assure breadth and quality of training.

(B) The internship agency must have a clearly designated staff psychologist who is responsible for the integrity and quality of the training program and who is actively licensed/certified by the licensing board of the jurisdiction in which the internship takes place and who is present at the training facility for a minimum of 20 hours a week.

(C) The internship agency must have two or more full-time licensed psychologists on the staff as primary supervisors.

(D) Internship supervision must be provided by a staff member of the internship agency or by an affiliate of that agency who carries clinical responsibility for the cases being supervised.

(E) The internship must provide training in a range of assessment and intervention activities conducted directly with patients/clients.

(F) At least 25% of trainee's time must be in direct patient/client contact.

(G) The internship must include a minimum of two hours per week of regularly scheduled formal, face-to-face individual supervision. There must also be at least four additional hours per week in learning activities such as: case conferences involving a case in which the intern was actively involved; seminars dealing with psychology issues; co-therapy with a staff person including discussion; group supervision; additional individual supervision.

(H) Training must be post-clerkship, post-practicum and post-externship level.

(I) The internship agency must have a minimum of two full-time equivalent interns at the internship level of training during applicant's training period.

(J) The internship agency must inform prospective interns about the goals and content of the internship, as well as the expectations for quantity and quality of trainee's work, including expected competencies; or

(3) The successful completion of an organized internship program in a school district meeting the following criteria:

(A) The internship experience must be provided at or near the end of the formal training period.

(B) The internship experience must require a minimum of 35 hours per week over a period of one academic year, or a minimum of 20 hours per week over a period of two consecutive academic years.

(C) The internship experience must be consistent with a written plan and must meet the specific training objectives of the program.

(D) The internship experience must occur in a setting appropriate to the specific training objectives of the program.

(E) At least 600 clock hours of the internship experience must occur in a school setting and must provide a balanced exposure to regular and special educational programs.

(F) The internship experience must occur under conditions of appropriate supervision. Field-based internship supervisors, for the purpose of the internship that takes place in a school setting, must be licensed as a psychologist and, if a separate credential is required to practice school psychology, must have a valid credential to

provide psychology in the public schools. The portion of the internship which appropriately may take place in a non-school setting must be supervised by a psychologist.

(G) Field-based internship supervisors must be responsible for no more than two interns at any given time. University internship supervisors shall be responsible for no more than twelve interns at any given time.

(H) Field-based internship supervisors must provide at least two hours per week of direct supervision for each intern. University internship supervisors must maintain an ongoing relationship with field-based internship supervisors and shall provide at least one field-based contact per semester with each intern.

(I) The internship site shall inform interns concerning the period of the internship and the training objectives of the program.

(J) The internship experience must be systematically evaluated in a manner consistent with the specific training objectives of the program.

(K) The internship experience must be conducted in a manner consistent with the current legal- ethical standards of the profession.

(L) The internship agency must have a minimum of two full-time equivalent interns at the internship level during the applicant's training period.

(M) The internship agency must have the availability of at least two full-time equivalent psychologists as primary supervisors, at least one of whom is employed full time at the agency and is a school psychologist.

(e) Industrial/Organizational Requirements. Individuals from an Industrial/Organizational doctoral degree program are exempt from the formal internship requirement but must complete a minimum of 3,500 hours of supervised experience, at least 1,750 of which must have taken place after conferral of the doctoral degree and in accordance with subsection (a) of this section. Individuals who do not undergo a formal internship pursuant to this paragraph should note that Council rules prohibit a psychologist from practicing in an area in which they do not have sufficient training and experience, of which a formal internship is considered to be an integral requirement.

(f) Licensure Following Respecialization.

(1) In order to qualify for licensure after undergoing respecialization an applicant must demonstrate the following:

(A) conferral of a doctoral degree in psychology from a regionally accredited institution of higher education prior to undergoing respecialization;

(B) completion of a formal post-doctoral respecialization program in psychology which included at least 1,750 hours in a formal internship; and

(C) upon completion of the respecialization program, at least 1,750 hours of supervised experience obtained as a provisionally licensed psychologist (or under provisional trainee status under prior versions of this rule).

(2) An applicant meeting the requirements of this subsection is considered to have met the requirements for supervised experience under this rule.

(g) Remedy for Incomplete Supervised Experience.

(1) An applicant who has completed at least 1,500 hours of supervised experience in a formal internship, 1,500 hours of supervised

experience following conferral of a doctoral degree, and who does not meet all of the supervised experience qualifications for licensure set out in subsections (a), (c), and (d) of this section or §465.2 of this title, may petition for permission to remediate an area of deficiency. An applicant may not however, petition for the waiver or modification of the requisite doctoral degree or passage of the requisite examinations.

(2) The Council may allow an applicant to remediate a deficiency identified in paragraph (1) of this subsection if the applicant can demonstrate:

(A) the prerequisite is not mandated by federal law, the state constitution or statute, or 22 TAC Part 41; and

(B) the remediation would not adversely affect the public welfare.

(3) The Council may approve or deny a petition under this subsection, and in the case of approval, may condition the approval on reasonable terms and conditions designed to ensure the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice as a licensed psychologist.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 30, 2025.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



SUBCHAPTER C. LICENSING PROVISIONS RELATED TO MILITARY SERVICE MEMBERS, VETERANS, AND MILITARY SPOUSES

22 TAC §463.20

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists propose amendments to §463.20, relating to Special Provisions Applying to Military Service Members, Veterans, and Spouses.

Overview and Explanation of the Proposed Rule. The proposed amendments will align the Council's rules with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to

licensees, applicants, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least

30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§463.20. Special Provisions Applying to Military Service Members, Veterans, and Spouses.

[(a) **Substantial Equivalency Determination.** In accordance with §55.004 of the Occupations Code, the licensing requirements for a license to practice psychology in another jurisdiction will be considered substantially equivalent to Texas' requirements if the other jurisdiction's requirements meet or exceed the following criteria:]

[(1) **Licensed Specialist in School Psychology.**]

[(A) The completion of a training program in school psychology that has been approved or accredited by the American Psychological Association or the National Association of School Psychologists; or completion of a master's degree in psychology with specific course work similar to the coursework required in the Council's rules; and]

[(B) **Passage of the School Psychology Examination.**]

[(2) **Licensed Psychological Associate.**]

[(A) A graduate degree that is primarily psychological in nature and consisting of at least 42 semester credit hours in total with at least 27 semester credit hours in psychology courses;]

[(B) Passage of the EPPP at the Texas cut-off score; and]

[(C) A minimum of 6 semester credit hours of practicum, internship, or experience in psychology, under the supervision of a licensed psychologist.]

[(3) Licensed Psychologist.]

[(A) A doctoral degree in psychology;]

[(B) Passage of the EPPP at the Texas cut-off score; and]

[(C) A minimum of two years or 3,000 hours of supervised experience under a licensed psychologist.]

(a) [(b)] In accordance with §55.007 of the Occupations Code, an applicant who is a military service member or military veteran, as defined by Chapter 55, Occupations Code, shall receive credit toward the following licensing requirements for verified military service, training, or education:

(1) School Psychologist. [Licensed Specialist in School Psychology.] A military service member or military veteran who has delivered psychological services within the military for at least one year is considered to have met the following requirements for this type of license: a practicum and 600 internship hours.

(2) Licensed Psychological Associate. A military service member or military veteran who has delivered psychological services within the military for at least one year is considered to have met the following requirements for this type of license: 6 semester credit hours of supervised experience.

(3) Licensed Psychologist. A military service member or military veteran who has delivered psychological services within the military for at least one year, following conferral of a doctoral degree, is considered to have met the following requirements for this type of license: one year or 1,750 hours of supervised experience.

(b) [(e)] A military service member or military veteran may not receive credit toward licensing requirements due to military service, training, or education if they hold a license issued by another jurisdiction that has been restricted, or they have a disqualifying criminal history.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 30, 2025.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706

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SUBCHAPTER E. EXAMINATIONS

22 TAC §463.30

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists propose amendments to §463.30, relating to Examinations Required for Licensure.

Overview and Explanation of the Proposed Rule. The proposed amendments will align the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does

not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§463.30. Examinations Required for Licensure.

(a) **Jurisprudence Examination.** All applicants for licensure are required to pass the Jurisprudence Examination prior to the Council granting a license.

(b) **School Psychology Examination.** Applicants for licensure as a school psychologist [~~specialist in school psychology~~] shall take the School Psychology Examination administered by the Educational Testing Service before applying for licensure as a school psychologist. [~~specialist in school psychology~~.]

(c) **Examination for Professional Practice in Psychology (EPPP).** All applicants for licensure as a psychological associate or psychologist are required to pass the EPPP prior to the Council granting a license. An applicant who has taken the EPPP either in the past or in another jurisdiction will not be required to retake the exam provided the applicant's score satisfies the Council's current minimum acceptable score for licensure.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



CHAPTER 465. RULES OF PRACTICE

22 TAC §465.1

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists propose amendments to §465.1, relating to Definitions.

Overview and Explanation of the Proposed Rule. The proposed amendments will aligns the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be

no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this

State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§465.1. Definitions.

The following terms have the following meanings:

(1) "Adoption evaluation" has the same meaning as assigned by §107.151 of the Family Code.

(2) "Child custody evaluation" has the same meaning as assigned by §107.101 of the Family Code.

(3) "Client" means a party other than a patient seeking or obtaining psychological services, as defined in §501.003 of the Occupations Code, for a third-party with the goal of assisting or caring for that third-party or answering a referral question through the use of forensic psychological services.

(4) "Dual Relationship" means a situation where a licensee and another individual have both a professional relationship and a non-professional relationship. Dual relationships include, but are not limited to, personal friendships, business or financial interactions, mutual club or social group activities, family or marital ties, or sexual relationships.

(5) "Forensic evaluation" is an evaluation conducted, not for the purpose of providing mental health treatment, but rather at the request of a court, a federal, state, or local governmental entity, an attorney, or an administrative body including federal and private disability benefits providers to assist in addressing a forensic referral question.

(6) "Forensic psychological services" are services involving courts, legal claims, or the legal system. The provision of forensic psychological services includes any and all preliminary and ex-

ploratory services, testing, assessments, evaluations, interviews, examinations, depositions, oral or written reports, live or recorded testimony, or any psychological service provided by a licensee concerning a current or potential legal case at the request of a party or potential party, an attorney for a party, or a court, or any other individual or entity, regardless of whether the licensee ultimately provides a report or testimony that is utilized in a legal proceeding. However, forensic psychological services do not include evaluations, proceedings, or hearings under the Individuals with Disabilities Education Improvement Act (IDEIA).

(7) "Informed Consent" means the written documented consent of the patient, client and other recipients of psychological services only after the patient, client or other recipient has been made aware of the purpose and nature of the services to be provided, including but not limited to: the specific goals of the services; the procedures to be utilized to deliver the services; possible side effects of the services, if applicable; alternate choices to the services, if applicable; the possible duration of the services; the confidentiality of and relevant limits thereto; all financial policies, including the cost and methods of payment; and any provisions for cancellation of and payments for missed appointments; and right of access of the patient, client or other recipient to the records of the services.

(8) "Licensee" means a licensed psychologist, provisionally licensed psychologist, licensed psychological associate, school psychologist, [licensed specialist in school psychology,] applicants, and any other individual subject to the regulatory authority of the Council.

(9) "Patient" means a person who receives psychological services, as defined in §501.003 of the Occupations Code, regardless of whether the patient or a third-party pays for the services. The term "patient" shall include a client if the client is a person listed in §611.004(a)(4) or (5) of the Health and Safety Code who is acting on a patient's behalf. A person who is the subject of a forensic evaluation is not considered to be a patient under these rules.

(10) "Private school" has the same meaning as assigned by §5.001 of the Texas Education Code, but does not include a parent or legal guardian who chooses to homeschool a child.

(11) "Professional relationship" means a fiduciary relationship between a licensee and a patient or client involving communications and records deemed confidential under §611.002 of the Health and Safety Code. A professional relationship also exists where licensees are appointed by a court or other governmental body to answer a referral question through the use of forensic psychological services.

(12) "Provision of psychological services" means any use by a licensee of education or training in psychology in the context of a professional relationship. Psychological services include, but are not limited to, therapy, diagnosis, testing, assessments, evaluation, treatment, counseling, supervision, consultation, providing forensic opinions, rendering a professional opinion, or performing research, or teaching to an individual, group, or organization.

(13) "Public school" means any state agency, regional education service center, diploma program, school district, or charter school established or authorized under Title 2 of the Texas Education Code and supported in whole or in part by state tax funds.

(14) "Recognized member of the clergy," as used in §501.004(a)(4) of the Occupations Code, means a member in good standing of and accountable to a denomination, church, sect or religious organization recognized under the Internal Revenue Code, §501(c)(3).

(15) "Records" are any information, regardless of the format in which it is maintained, that can be used to document the deliv-

ery, progress or results of any psychological services including, but not limited to, data identifying a recipient of services, dates of services, types of services, informed consents, fees and fee schedules, assessments, treatment plans, consultations, session notes, reports, release forms obtained from a client or patient or any other individual or entity, and records concerning a patient or client obtained by the licensee from other sources.

(16) "Report" includes any written or oral assessment, recommendation, psychological diagnostic or evaluative statement containing the professional judgment or opinion of a licensee.

(17) "Supervision" refers to direct, systematic professional oversight of individuals who provide psychological services under the authority of a supervising licensee, whereby the supervisor has the responsibility and ability to monitor and control the psychological services provided to ensure the patient's or client's best interests are met and that the public is protected. In the context of psychological training and education, "supervision" also refers to the formal provision of systematic education and training for purposes of licensure or competency that serves to assist individuals with gaining experience and developing the skills necessary for licensure or competent practice in a particular practice area. However, the term "supervision" does not apply to the supervision of purely administrative or employment matters.

(18) "Test data" refers to a patient's specific answers to test materials, whether spoken or written, generated in drawings, or recorded by computers or other lab devices.

(19) "Test materials" refers to test booklets, forms, manuals, instruments, protocols, software, as well as test questions, and stimuli protected by federal copyright law and used in psychological testing to generate test results and test reports.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 30, 2025.

TRD-202504350

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



22 TAC §465.2

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists propose amendments to §465.2, relating to Supervision.

Overview and Explanation of the Proposed Rule. The proposed amendments will align the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is

5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§465.2. Supervision.

(a) **Supervision in General.** The following rules apply to all supervisory relationships.

(1) Licensee is responsible for the supervision of all individuals that the licensee employs or utilizes to provide psychological services of any kind.

(2) Licensees shall ensure that their supervisees have legal authority to provide psychological services.

(3) Licensees may delegate only those responsibilities that supervisees may legally and competently perform.

(4) All individuals who receive psychological services requiring informed consent from an individual under supervision must be informed in writing of the supervisory status of the individual and how the patient or client may contact the supervising licensee directly.

(5) All materials relating to the practice of psychology, upon which the supervisee's name or signature appears, must indicate the supervisory status of the supervisee. Supervisory status must be indicated by one of the following:

- (A) Supervised by (name of supervising licensee);
- (B) Under the supervision of (name of supervising licensee);
- (C) The following persons are under the supervision of (name of supervising licensee); or
- (D) Supervisee of (name of supervising licensee).

(6) Licensees shall provide an adequate level of supervision to all individuals under their supervision according to accepted professional standards given the experience, skill and training of the supervisee, the availability of other qualified licensees for consultation, and the type of psychological services being provided.

(7) Licensees shall utilize methods of supervision that enable the licensee to monitor all delegated services for legal, competent, and ethical performance. No more than fifty percent of the supervision may take place through remote or electronic means. Licensees may exceed fifty percent remote or electronic supervision if supervision is provided through synchronous audiovisual means.

(8) Licensees must be competent to perform any psychological services being provided under their supervision.

(9) Licensees shall document their supervision activities in writing, including any remote or electronic supervision provided. Documentation shall include the dates, times, and length of supervision.

(10) Licensees may only supervise the number of supervisees for which they can provide adequate supervision.

(11) A supervisor shall establish a plan for the custody and control of the records of supervision for each supervisee in the event of the supervisor's death or incapacity, or the termination of the supervisor's practice.

(12) Licensees receiving supervision who are informed of a pending complaint must notify their supervisors of the complaint.

(13) Supervisors who identify deficits in a supervisee's skills or competencies necessary for safe or entry-level independent practice must immediately develop and implement a written remediation plan to address those deficiencies. If the supervisee changes supervisors during the supervision period, the supervisee must provide the new supervisor with a copy of the remediation plan.

(b) Supervision of Students, Interns, Residents, Fellows, and Trainees. The following rules apply to all supervisory relationships involving students, interns, residents, fellows, and trainees.

(1) Unlicensed individuals providing psychological services pursuant to §§501.004(a)(2), 501.2525(a)(2)(A), or 501.260(b)(3) of the Occupations Code must be under the supervision of a qualified supervising licensee at all times.

(2) Supervision must be provided by a qualified supervising licensee before it will be accepted for licensure purposes.

(3) A licensee practicing under a restricted status license is not qualified to, and shall not provide supervision for a person seeking to fulfill internship or practicum requirements or a person seeking licensure under the Psychologists' Licensing Act, regardless of the setting in which the supervision takes place, unless authorized to do so by the Council. A licensee shall inform all supervisees of any disciplinary

order restricting the licensee's license and assist the supervisees with finding appropriate alternate supervision.

(4) A supervisor must document in writing a supervisee's performance during a practicum, internship, or period of supervised experience required for licensure. The supervisor must provide this documentation to the supervisee.

(5) A supervisor may allow a supervisee, as part of a required practicum, internship, or period of supervised experience required for licensure under Chapter 501, to supervise others in the delivery of psychological services.

(6) Licensees may not supervise an individual to whom they are related within the second degree of affinity or consanguinity.

(c) Supervision of Provisionally Licensed Psychologists and Licensed Psychological Associates. The following rules apply to all supervisory relationships involving Provisionally Licensed Psychologists and Licensed Psychological Associates.

(1) Provisionally Licensed Psychologists must be under the supervision of a Licensed Psychologist and may not engage in independent practice unless the provisional licensee is licensed in another state to independently practice psychology and is in good standing in that state.

(2) A Provisionally Licensed Psychologist may, as part of a period of supervised experience required for licensure as a psychologist, supervise others in the delivery of psychological services.

(3) A supervisor must provide at least one hour of individual supervision per week. A supervisor may reduce the amount of weekly supervision on a proportional basis for supervisees working less than full-time.

(d) Supervision of School Psychologist [~~Licensed Specialists in School Psychology~~] interns and other individuals authorized by §463.9(g)(1), of this title. [~~(relating to Licensed Specialist in School Psychology).~~] The following rules apply to all supervisory relationships involving School Psychologists [~~Licensed Specialists in School Psychology,~~] as well as all interns and other individuals authorized by §463.9(g)(1) working toward licensure as a [~~specialist in~~] school psychologist [~~psychology~~].

(1) Supervision within the public schools may only be provided by a School Psychologist [~~Licensed Specialist in School Psychology~~] who has a minimum of 3 years of experience providing psychological services within the public school system without supervision. To qualify, a licensee must be able to show proof of their license, credential, or authority to provide unsupervised school psychological services in the jurisdiction where those services were provided, along with documentation from the public school(s) evidencing delivery of those services.

(2) Supervisors must sign educational documents completed for students by the supervisee, including student evaluation reports, or similar professional reports to consumers, other professionals, or other audiences. It is not a violation of this rule if supervisors do not sign documents completed by a committee reflecting the deliberations of an educational meeting for an individual student which the supervisee attended and participated in as part of the legal proceedings required by federal and state education laws, unless the supervisor also attended and participated in such meeting.

(3) Supervisors shall document all supervision sessions. This documentation must include information about the duration of sessions, as well as the focus of discussion or training. The documentation must also include information regarding:

(A) any contracts or service agreements between the public school district and university school psychology training program;

(B) any contracts or service agreements between the public school district and the supervisee;

(C) the supervisee's professional liability insurance coverage, if any;

(D) any training logs required by the school psychology training program; and

(E) the supervisee's licensure status or legal authority to provide psychological services.

(4) Supervisors must ensure that each individual completing any portion of the internship required for licensure as a School Psychologist, [an LSSP,] is provided with a written agreement that includes a clear statement of the expectations, duties, and responsibilities of each party, including the total hours to be performed by the intern, benefits and support to be provided by the supervisor, and the process by which the intern will be supervised and evaluated.

(5) Supervisors must ensure that supervisees have access to a process for addressing serious concerns regarding a supervisee's performance. The process must protect the rights of clients to receive quality services, assure adequate feedback and opportunities for improvement to the supervisee, and ensure due process protection in cases of possible termination of the supervisory relationship.

(e) The various parts of this rule should be construed, if possible, so that effect is given to each part. However, where a general provision conflicts with a more specific provision, the specific provision shall control.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 30, 2025.

TRD-202504351

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



22 TAC §465.18

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists propose amendments to §465.18, relating to Forensic Services.

Overview and Explanation of the Proposed Rule. The proposed amendments will conform the rule to the statutory changes made to Sections 107.104 and 107.112 of the Family Code by H.B. 2340 from the 89th Legislature, Regular Session (2025).

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or

administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via

<https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§465.18. Forensic Services.

(a) In General.

(1) A licensee who provides services concerning a matter which the licensee knows or should know will be utilized in a legal proceeding, such as a divorce, child custody determination, fitness for duty evaluation for high risk personnel, disability claim, or risk assessment evaluations of employees, must comply with all applicable Council rules concerning forensic services regardless of whether the licensee is acting as a factual witness or an expert.

(2) Licensees who engage in forensic services must have demonstrated appropriate knowledge of and competence in all underlying areas of psychology about which they provide such services.

(3) All forensic opinions, reports, assessments, and recommendations rendered by a licensee must be based on information

and techniques sufficient to provide appropriate substantiation for each finding.

(4) When appointed or designated in writing by a court to provide psychological services, a licensee shall obtain and keep a copy of the court order.

(5) When providing forensic psychological services to a minor who is the subject of a court order or the ward of guardianship, a licensee shall obtain and keep a copy of the relevant portions of any court order, divorce decree, or letters of guardianship authorizing the individual to provide substitute consent on behalf of the minor or ward.

(b) Limitation on Services.

(1) A licensee who is asked to provide an opinion concerning an area or matter about which the licensee does not have the appropriate knowledge and competency to render a professional opinion shall decline to render that opinion.

(2) A licensee who is asked to provide an opinion concerning a specific matter for which the licensee lacks sufficient information to render a professional opinion shall decline to render that opinion unless the required information is provided.

(3) A licensee shall not render a written or oral opinion about the psychological characteristics of an individual without conducting an examination of the individual unless the opinion contains a statement that the licensee did not conduct an examination of the individual.

(4) A written or oral opinion about the psychological characteristics of an individual rendered by a licensee who did not conduct an examination of that individual must contain clarification of the extent to which this limits the reliability and validity of the opinion and the conclusions and recommendations of the licensee.

(5) When seeking or receiving court appointment or designation as an expert for a forensic evaluation a licensee specifically avoids accepting appointment or engagement for both evaluation and therapeutic intervention for the same case. A licensee provides services in one but not both capacities in the same case.

(c) Describing the Nature of Services. A licensee must document in writing that subject(s) of forensic evaluations or their parents or legal representative have been informed of the following:

(1) The nature of the anticipated services (procedures);

(2) The specific purpose and scope of the evaluation;

(3) The identity of the party who requested the psychologist's services;

(4) The identity of the party who will pay the psychologist's fees and if any portion of the fees is to be paid by the subject, the estimated amount of the fees;

(5) The type of information sought and the uses for information gathered;

(6) The people or entities to whom psychological records will be distributed;

(7) The approximate length of time required to produce any reports or written results;

(8) Applicable limits on confidentiality and access to psychological records;

(9) Whether the psychologist has been or may be engaged to provide testimony based on the report or written results of forensic psychological services in a legal proceeding; and

(10) The licensee's name as it appears in their professional file with the Council prior to initiating services.

(d) Certain Testimony Prohibited.

(1) A licensee may not offer an expert opinion or recommendation relating to the conservatorship of or possession of or access to a child unless the licensee has conducted a child custody evaluation.

(2) In a contested suit, a licensee may provide other relevant information and opinions, other than those prohibited by paragraph (1) of this subsection, relating to any party that the licensee has personally evaluated or treated.

(3) This subsection does not apply to a suit in which the Department of Family and Protective Services is a party.

(e) Child Custody Evaluations.

(1) The role of the child custody evaluator is one of professional expert. A licensee serving as a child custody evaluator shall not function as an advocate, but must remain impartial and objective. Licensees conducting child custody evaluations, including those licensees appointed by a court, are subject to the Council's jurisdiction and must follow all applicable Council rules.

(2) The term "supervision" as used in this subsection shall have the meaning assigned by §107.101 of the Family Code. However, the term shall not encompass the restrictions and requirements set forth in §465.2 of this title (relating to Supervision) nor shall a licensee providing supervision under this subsection have supervisory responsibility under that same rule.

(3) Minimum Qualifications of Child Custody Evaluator.

(A) A licensee must be qualified to conduct a child custody evaluation pursuant to §107.104 of the Family Code before the licensee may conduct an evaluation. Licensees qualified to conduct evaluations under §107.104(b)(2) must conduct evaluations under supervision in accordance with that section.

(B) Notwithstanding any other grounds for qualification, the Council has determined that a licensed psychologist is qualified to conduct child custody evaluations if the licensee:

(i) has obtained a minimum of 8 professional development hours directly related to the performance of child custody evaluations since becoming a licensed psychologist, and is board certified in forensic psychology by the American Board of Professional Psychology (ABPP); or

(ii) has obtained a minimum of 40 professional development hours directly related to the performance of child custody evaluations since becoming a licensed psychologist, and has conducted at least three child custody evaluations under the supervision of a qualified licensee.

(C) A licensee who does not meet the minimum qualification requirements set forth in §107.104 of the Family Code, may nevertheless conduct a child custody evaluation if:

(i) appointed to do so pursuant to §107.106 of the Family Code. A licensee appointed under §107.106 must comply with the provisions of Subchapter D of the Family Code and this rule; or

(ii) the individual is licensed as a psychologist, and has completed at least ten social studies or other child custody evaluations ordered by a court in suits affecting the parent-child relationship prior to September 1, 2015.

(D) If requested by a court, a licensee selected to conduct or who is conducting a child custody evaluation must demon-

strate appropriate knowledge and competence in child custody evaluation services consistent with professional models, standards, and guidelines.

(E) In addition to the minimum qualifications set forth by this rule, an individual must complete at least eight hours of family violence dynamics training provided by a family violence service provider to be qualified to conduct child custody evaluations.

(F) In addition to the qualifications prescribed by this rule, to be qualified to conduct a child custody evaluation, an individual must complete, during the two-year period preceding the evaluation, at least three hours of initial or continuing training, as applicable, related to the care of a child with an intellectual disability or developmental disability, including education, therapy, preparation for independent living, or methods for addressing physical or mental health challenges.

(4) Disclosure of Conflicts and Bias.

(A) Licensees shall comply with all disclosure requirements set forth in §107.107 of the Family Code.

(B) Following any disclosure required by §107.107(c), a licensee must resign as child custody evaluator, unless:

(i) the court finds that no conflict of interest exists and that any previous knowledge of a party or child who is the subject of the suit is not relevant; or

(ii) the parties and any attorney for a child who is the subject of the suit agree in writing to the licensee's continued appointment as the child custody evaluator.

(C) Except as authorized by §107.107(f), licensees may not accept appointment as a child custody evaluator if they have worked in a professional capacity with a party, a child who is the subject of the suit, or a member of the party's or child's family. The term "family" as used in this subpart has the meaning assigned by §71.003 of the Family Code.

(5) Elements of Child Custody Evaluation.

(A) Licensees shall comply with §§107.108, 107.109, and 107.1101 of the Family Code when conducting child custody evaluations.

(B) Licensees may conduct psychometric testing as part of a child custody evaluation in accordance with §107.110 of the Family Code.

(6) Communications and Recordkeeping of Child Custody Evaluator.

(A) Licensees shall comply with the requirements of §107.112 of the Family Code regarding:

(i) the disclosure of communications between evaluation participants;

(ii) the creation and retention of records relevant to the evaluation; and

(iii) access to evaluation records.

(B) Licensees conducting child custody evaluations shall maintain the confidentiality of records obtained from the Department of Family and Protective Services pursuant to §107.111 of the Family Code, as well as any records obtained pursuant to §107.1111. Licensees may not disclose any information obtained from the records except as required or allowed by law. Licensees shall redact any social security number or child's birth date from records subject to disclosure under §107.112 before making the records available. Failure to

maintain confidentiality as required by law will result in disciplinary action against a licensee.

(7) Evaluation Report.

(A) A licensee who conducts a child custody evaluation shall prepare and file a report in accordance with §107.113 of the Family Code.

(B) A licensee shall provide a copy of any report filed with the Court in accordance with §107.114 of the Family Code.

(f) Adoption Evaluations.

(1) The role of the adoption evaluator is one of professional expert. A licensee serving as an adoption evaluator shall not function as an advocate, but must remain impartial and objective. Licensees conducting adoption evaluations, including those licensees appointed by a court, are subject to the Council's jurisdiction and must follow all applicable Council rules.

(2) Minimum Qualifications of Adoption Evaluator.

(A) A licensee must be qualified to conduct an adoption evaluation pursuant to §107.154 of the Family Code before the licensee may conduct an evaluation.

(B) Licensees qualified to conduct a child custody evaluations are also qualified to conduct adoption evaluations.

(C) A licensee who does not meet the minimum qualification requirements set forth in §107.154, may nevertheless conduct an adoption evaluation if:

(i) appointed to do so pursuant to §107.155 of the Family Code. A licensee appointed under §107.155 must comply with the provisions of Subchapter E of the Texas Family Code and this rule; or

(ii) the individual is licensed as a psychologist, and has completed at least ten social studies or other child custody evaluations ordered by a court in suits affecting the parent-child relationship prior to September 1, 2015.

(3) Disclosure of Conflicts and Bias.

(A) Licensees shall comply with all disclosure requirements set forth in §107.156 of the Family Code.

(B) Following any disclosure required by §107.156(c), a licensee must resign as adoption evaluator, unless:

(i) the court finds that no conflict of interest exists and that any previous knowledge of a party or child who is the subject of the suit is not relevant; or

(ii) the parties and any attorney for a child who is the subject of the suit agree in writing to the licensee's continued appointment as the adoption evaluator.

(C) Except as authorized by §107.156(e) of the Family Code, licensees may not accept appointment as an adoption evaluator if they have worked in a professional capacity with a party, a child who is the subject of the suit, or a member of the party's or child's family. The term "family" as used in this subpart has the meaning assigned by §71.003 of the Family Code.

(4) A licensee shall report to the Department of Family and Protective Services any adoptive placement that appears to have been made by someone other than a licensed child-placing agency or a child's parent or managing conservator.

(5) Licensees shall comply with §§107.158, 107.159, and 107.160 of the Family Code when conducting adoption evaluations.

(6) Licensees conducting adoption evaluations shall maintain the confidentiality of records obtained from the Department of Family and Protective Services pursuant to §107.163 of the Family Code. Licensees may not disclose any information obtained from the records except as required or allowed by law. Failure to maintain confidentiality as required by §107.163 of the Family Code will result in disciplinary action against a licensee.

(g) Duty to Report Complaints. Licensees must report any complaint filed against them that alleges facts tending to show a violation of this rule in connection with a child custody or adoption evaluation. The report must be made to the court that ordered the evaluation within 30 days of receiving notice of the complaint from the Council. Only those complaints for which a licensee receives notice from the Council need to be reported.

(h) Parenting Facilitators.

(1) The title "parenting facilitator" is defined in §153.601 of the Family Code.

(2) The Council's jurisdiction over licensees who also accept engagements as parenting facilitators is limited to its enforcement of Council rules. The Family Code sets forth procedures for the qualifications, duties, appointment and removal, reporting, record retention, and compensation of parenting facilitators. The Family Code also provides procedures for disclosure of conflicts of interest by parenting facilitators.

(3) A parenting facilitator who is also a licensed psychologist in Texas is a provider of forensic psychological services and must comply with all applicable Council rules.

(4) Participants in parenting facilitation are not patients as defined in these rules and in Texas Health and Safety Code §611.001. Records created during parenting facilitation are not confidential.

(5) Parenting facilitators must comply with §§153.6061 and 153.6101 of the Family Code as to duties and qualifications, and with the "Guidelines for Parenting Coordination" published by the Association of Family and Conciliation Courts.

(6) The following psychologist-parenting facilitator practice standards are set forth consistent with §153.6101 of the Family Code:

(A) Parenting facilitators licensed by the Council shall comply with the standard of care applicable to the license to practice psychology in Texas.

(B) Psychologist-parenting facilitators meet all requirements of §153.6101 of the Family Code, including active licensure to practice as a psychologist in Texas; completion of 8 hours of family violence dynamics training provided by a family violence service provider; 40 classroom hours of training in dispute resolution techniques in a course conducted by an alternative dispute resolution system or other dispute resolution organization approved by the court; 24 classroom hours of training in the fields of family dynamics, child development, and family law; and 16 hours of training in the laws governing parenting coordination and parenting facilitation and the multiple styles and procedures used in different models of service.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 30, 2025.

TRD-202504352



22 TAC §465.21

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists propose amendments to §465.21, relating to Termination of Services.

Overview and Explanation of the Proposed Rule. The proposed amendments will align the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the

residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Ex-

ecutive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§465.21. Termination of Services.

- (a) Licensees do not abandon patients or clients.
- (b) Withdrawal from a professional relationship in compliance with Council rules to avoid a prohibited dual relationship is not abandonment of a patient or client.
- (c) Licensees terminate a professional relationship when it becomes reasonably clear that the patient or client no longer needs the service, is not benefiting or is being harmed by continued service.
- (d) Prior to termination of a professional relationship for any reason, the licensee takes all reasonable steps to facilitate transfer of responsibility for the patient or client to a qualified service provider if necessary to prevent physical or emotional harm and, if not precluded by the patient or client's conduct, provides appropriate pre-termination counseling and referrals.
- (e) Licensees who are required to interrupt services of a professional relationship for any reason shall make arrangements for provision of any services to all patients or clients required during the interruption.
- (f) Termination of employment with agencies or organizations.
 - (1) When entering into employment or contractual relationships, licensees provide for orderly and appropriate resolution of responsibility for patient or client care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the patient or client.
 - (2) Licensees who are employed by an organization or agency to provide psychological services must, upon termination of that employment, work with the employer to facilitate access to records of all services provided by the licensee to patients or clients as otherwise required by Council rules and applicable law.
 - (3) Licensees who are employed by an organization or agency to provide psychological services must, upon termination of that employment, work with the employer to facilitate transfer of clients or patients who are continuing to receive services from the agency or organization to another qualified service provider.
- (g) Termination of employment with public schools.
 - (1) A School Psychologist [~~An LSSP~~] who is under contract as an employee of a public school to provide school psychological services must deliver to such public school a written resignation before terminating services or employment without cause. The resignation must be filed with the public school's board of trustees or designee not later than the 45th day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the public school's board of trustees or designee at the post office address of the public school is considered delivered at the time of mailing.
 - (2) A School Psychologist [~~An LSSP~~] who is under contract as an employee of a public school may resign at any time if given

written consent by the public school's board of trustees or designee or if such resignation is for cause.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 30, 2025.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



22 TAC §465.38

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists propose amendments to §465.38, relating to Psychological Services for Schools.

Overview and Explanation of the Proposed Rule. The proposed amendments will align the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist. The proposed amendments also add a requirement that school psychologists follow newly enacted state laws regarding parental consent to mental health treatment in schools.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the

Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§465.38. Psychological Services for Schools.

(a) This rule acknowledges the unique difference in the delivery of school psychological services in public and private schools from psychological services in the private sector. The Council recognizes the purview of the State Board of Education and the Texas Education Agency in safeguarding the rights of school children in Texas. The mandated multidisciplinary team decision making, hierarchy of supervision, regulatory provisions, and past traditions of school psychological service delivery both nationally and in Texas, among other factors, allow for rules of practice in public and private schools which reflect these occupational distinctions from the private practice of psychology.

(b) Scope of Practice.

(1) School psychological services include the delivery of a comprehensive range of services to support the academic, emotional, social, behavioral, and mental health development and needs of students, which includes the promotion of students' strengths, as well as the identification and treatment of mental health disorders and disabilities impacting student educational performances.

(2) School psychological services include, but are not limited to:

(A) Assessment, which includes psychoeducational, cognitive, psychological, emotional, behavioral, and other assessments; universal screenings; and various data collection methods to:

(i) identify and address student academic, social, emotional, developmental, and mental and behavioral health needs;

(ii) make eligibility recommendations for special education services;

(iii) assess risk of harm to self or others, and;

(iv) evaluate effectiveness of services and practices.

(B) Prevention and Intervention services to support student learning, which include facilitating delivery of curricula and instructional strategies, school-wide, group, and individual interventions to support student achievement, student wellness, mental and behavioral health, promoting safe learning environments and addressing other barriers to learning.

(C) Mental and Behavioral Health Services, which includes individual, group and/or school-wide services to promote social, emotional, mental and behavioral health, and prosocial and positive behaviors. Such services also include individual or group counseling, behavioral assessment and intervention, and consultation with families, educational staff, and other interested parties.

(D) Consultation and Collaboration, which includes engagement in collaborative problem-solving as a vehicle to plan, implement, and evaluate academic and mental and behavioral health services, which may include psychoeducation for students, families, school personnel, and other relevant parties.

(E) Development of programs, which includes designing, implementing, or evaluating safe, supportive, and educationally and psychologically sound learning environments; engaging in crisis prevention, response, and intervention; acting as a catalyst for educator and family engagement in adaptations and innovations; and facilitating the psychoeducational development of individual families or groups.

(3) The delivery of school psychological services in the public schools of this state shall be consistent with nationally recognized standards for the practice of school psychology. Licensees providing school psychological services in a private school should comply with those same nationally recognized standards where possible, but at a minimum, must comply with all applicable Council rules, including those related to informed consent, notification of the right to file a complaint, competency, forensic services, and misuse of services.

(c) The School Psychologist [~~specialist in school psychology~~] license permits the licensee to provide school psychological services only in public and private schools. A person utilizing this license may not provide psychological services in any context or capacity outside of a public or private school.

(d) The correct title for an individual holding a school psychology license is School Psychologist [~~specialist in school psychology license~~ is Licensed Specialist in School Psychology or (LSSP)], or the individual may use the title Licensed School Psychologist or the acronyms SP or LSP [as referenced in §21.003 of the Education Code]. A School Psychologist [~~An LSSP~~] who has achieved certification as a Nationally Certified School Psychologist (NCSP) may use this credential along with a license title authorized under this rule [~~the license title of LSSP~~].

(e) Providers of Psychological Services Within the Public Schools.

(1) School psychological services may be provided in Texas public schools only by individuals authorized by this Council to provide such services. Individuals who may provide such school psychological services include:

(A) School Psychologists [LSSPs]; and

(B) interns and post-doctoral fellows working towards licensure as a psychologist.

(2) Licensees who do not hold the [~~specialist in~~] school psychology license may contract for specific types of psychological services, such as clinical psychology, counseling psychology, neuropsychology, and family therapy, but any such contracting may not involve the broad range of school psychological services listed in subsection (b)(1) of this section.

(3) A School Psychologist [~~An LSSP~~] who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. A School Psychologist [~~An LSSP~~] subject to this provision shall be responsible for ensuring

the school psychological services delivered comply with subsection (b)(3) of this section.

(f) Compliance with Applicable Education Laws. School Psychologists [LSSPs] shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:

(1) Texas Education Code;

(2) Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g;

(3) Individuals with Disabilities Education Improvement Act (IDEIA), 20 U.S.C. §1400 et seq.;

(4) Texas Public Information Act, Texas Government Code, Chapter 552;

(5) Section 504 of the Rehabilitation Act of 1973;

(6) Americans with Disabilities Act (ADA) 42 U.S.C. §12101; and

(7) HIPAA when practicing in a private school.

(g) Informed Consent in a Public School. Informed consent for a School Psychologist [~~Licensed Specialist in School Psychology~~] must be obtained in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and the U.S. Department of Education's rules governing parental consent when delivering school psychological services in the public schools, and is considered to meet the requirements for informed consent under Board rules. No additional informed consent, specific to any Council rules, is necessary in this context. Licensees providing psychological services under subsection (e)(2) of this section, or in a private school however, must obtain informed consent as otherwise required by the Council rules, and state law governing parent consent to mental health services in schools.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on November 30, 2025.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



PART 30. TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

CHAPTER 681. PROFESSIONAL COUNSELORS

SUBCHAPTER B. RULES OF PRACTICE

22 TAC §681.53

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Licensed Professional Counselors proposes amendments to §681.53, relating to Child Cus-

tody Evaluation, Adoption Evaluation, and Evaluations in Contested Adoptions.

Overview and Explanation of the Proposed Rule. The proposed amendments will conform the rule to the statutory changes made to Sections 107.104 and 107.112 of the Family Code by H.B. 2340 from the 89th Legislature, Regular Session (2025).

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity and consistency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an exist-

ing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§681.53. Child Custody Evaluation, Adoption Evaluation, and Evaluations in Contested Adoptions.

(a) Licensees must comply with Texas Family Code, Chapter 107, Subchapters D, E, and F concerning Child Custody Evaluation, Adoption Evaluation, and Evaluations in Contested Adoptions.

(b) A licensee who has completed a doctoral degree and at least 10 court-ordered child custody evaluations under the supervision of an individual qualified by Texas Family Code, Chapter 107 to perform child custody evaluations is qualified to conduct child custody evaluations under Texas Family Code, Chapter 107. All other licensees must comply with qualifications stipulated in Texas Family Code, Chapter 107.

(1) In addition to the minimum qualifications set forth by this rule, an individual must complete at least eight hours of family violence dynamics training provided by a family violence service provider to be qualified to conduct child custody evaluations.

(2) In addition to the qualifications prescribed by this rule, to be qualified to conduct a child custody evaluation, an individual must complete, during the two-year period preceding the evaluation, at least three hours of initial or continuing training, as applicable, related to the care of a child with an intellectual disability or developmental disability, including education, therapy, preparation for independent living, or methods for addressing physical or mental health challenges.

(c) Any complaint relating to the outcome of a child custody evaluation or adoption evaluation conducted by a licensee must be reported to the court that ordered the evaluation, see Council §884.3.

(d) Disclosure of confidential information in violation of Texas Family Code[?] §§107.111, 107.1111, or [§]107.163, or failure to redact any social security numbers or child's birth date from records subject to disclosure under 107.112 before making the records available, is grounds for disciplinary action, up to and including revocation of license, by the Council.

(e) A licensee who provides services concerning a matter which the licensee knows or should know will be utilized in a legal proceeding, such as a divorce, child custody determination, disability claim, or criminal prosecution, must comply with all applicable Council rules regardless of whether the licensee is acting as a factual witness or an expert.

(f) A licensee may not provide therapy and any other type of service, including but not limited to a child custody evaluation or parenting facilitation, in the same case, whether such services are delivered sequentially or simultaneously.

(g) Licensees may not offer an expert opinion or recommendation relating to the conservatorship of or possession of or access to a child unless the licensee has conducted a child custody evaluation relating to the child under Texas Family Code, Subchapter D, Chapter 107.

(h) Prior to beginning [Licensees providing] child custody evaluations or adoption evaluations, licensees must[?] prior to beginning the evaluation, in writing] inform the parties in writing of:

(1) The limitations on confidentiality in the evaluation process; and

(2) The basis of fees and costs and the method of payment, including any fees associated with postponement, cancellation and/or nonappearance, and the parties' pro rata share of the fees and costs as determined by the court order or written agreement of the parties.

(i) A Licensed Professional Counselor Associate (LPC Associate) must not conduct child custody evaluations or adoption evaluations unless qualified by another professional license to provide such services.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504365

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Professional Counselors

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



SUBCHAPTER C. APPLICATION AND LICENSING

22 TAC §681.114

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Licensed Professional Counselors proposes amendments to §681.114, relating to Licensing of Military Service Members, Military Veterans, and Military Spouses.

Overview and Explanation of the Proposed Rule. The proposed amendments will align the Council's rules with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity and consistency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §503.2015

of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§681.114. Licensing of Military Service Members, Military Veterans, and Military Spouses.

(a) An applicant applying for licensure under this section must comply with Council rule, §882.60 of this title. ~~[(relating to Special Provisions Applying to Military Service Members, Veterans, and Spouses).]~~

~~[(b) Substantial Equivalency Determination. In accordance with §55.004 of the Occupations Code, the licensing requirements for a license to practice professional counseling in another jurisdiction will be considered substantially equivalent to Texas' requirements if the following criteria are met:]~~

~~[(1) the applicant has been fully licensed to practice professional counseling for the two years immediately preceding the date the application is received; and]~~

~~[(2) has no disciplinary history.]~~

(b) ~~[(e)]~~ If an applicant has been fully licensed to practice professional counseling in another United States jurisdiction for less than two years immediately preceding the date the application is received, and has no disciplinary history, staff may grant 125 hours of credit for every month of independent professional counseling practice toward any deficit in experience requirements.

(c) ~~[(d)]~~ For an application submitted by a verified military service member or military veteran, the applicant must receive credit towards any licensing requirements, except an examination requirement, for verified military service, training, or education that the Council determines is relevant to the licensing requirements.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504366



PART 35. TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS

CHAPTER 801. LICENSURE AND REGULATION OF MARRIAGE AND FAMILY THERAPISTS

SUBCHAPTER A. GENERAL PROVISIONS

22 TAC §801.2

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapist proposes amendments to §801.2, relating to Definitions.

Overview and Explanation of the Proposed Rule. The proposed amendment will remove the term "regionally" to expand the category of acceptable accrediting agencies to include regional, national, and institutional accrediting bodies, as long as they are recognized by CHEA, THECB, or the U.S. Department of Education. The proposed amendments would also add the recently created "temporary" license to the definition of license.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to applicants, licensees, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

REQUEST FOR PUBLIC COMMENTS. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board

shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council also proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§801.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless the context indicates otherwise.

(1) Accredited institutions or programs--An institution of higher education accredited by an [a regionally] accrediting agency recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education.

(2) Act--Texas Occupations Code, Chapter 502, the Licensed Marriage and Family Therapist Act.

(3) Board--The Texas State Board of Examiners of Marriage and Family Therapists.

(4) Client--An individual, family, couple, group, or organization who receives or has received services from a person identified as a marriage and family therapist who is either licensed by the council or unlicensed.

(5) Council--The Texas Behavioral Health Executive Council.

(6) Council Act--Texas Occupations Code, Chapter 507, concerning the Texas Behavioral Health Executive Council.

(7) Council rules--22 Texas Administrative Code, Chapters 801 and 881 to 885.

(8) Direct clinical services to couples or family--Professional services provided to couples or families in which a clinician delivers therapeutic services with two or more individuals simultaneously or two or more individuals from the same family system within the same therapeutic session. Individuals must share an ongoing relationship beyond that which occurs in the therapeutic experience itself. Examples of ongoing relationships include family systems, couple systems, enduring friendship/community support systems, and residential, treatment or situationally connected systems.

(9) Endorsement--The process whereby the council reviews licensing requirements that a license applicant completed while under the jurisdiction of an out-of-state marriage and family therapy regulatory board. The council may accept, deny or grant partial credit for requirements completed in a different jurisdiction.

(10) Executive director--the executive director for the Texas Behavioral Health Executive Council.

(11) Family system--An open, on-going, goal-seeking, self-regulating, social system which shares features of all such systems. Certain features such as its unique structuring of gender, race, nationality and generation set it apart from other social systems. Each individual family system is shaped by its own particular structural features (size, complexity, composition, and life stage), the psychobiological characteristics of its individual members (age, race, nationality, gender, fertility, health and temperament) and its socio-cultural and historic position in its larger environment.

(12) Group supervision--Supervision that involves a minimum of three and no more than six marriage and family therapy supervisees or LMFT Associates in a clinical setting during the supervision hour.

(13) Independent Practice--The practice of providing marriage and family therapy services to a client without the supervision of an LMFT-S.

(14) Individual supervision--Supervision of no more than two marriage and family therapy supervisees or LMFT Associates in a clinical setting during the supervision hour.

(15) Jurisprudence exam--An online learning experience based on the Act, the Council Act, and council rules, and other state laws and rules relating to the practice of marriage and family therapy.

(16) License--A marriage and family therapist license, a marriage and family therapist associate license, a provisional or temporary marriage and family therapist license, or a provisional or temporary marriage and family therapist associate license.

(17) Licensed marriage and family therapist (LMFT)--As defined in §502.002 of the Occupations Code, a person who offers marriage and family therapy for compensation.

(18) Licensed marriage and family therapist associate (LMFT Associate)--As defined in §502.002 of the Occupations Code, an individual who offers to provide marriage and family therapy for compensation under the supervision of a supervisor approved by the executive council. The appropriate council-approved terms to refer to an LMFT Associate are: "Licensed Marriage and Family Therapist Associate" or "LMFT Associate." Other terminology or abbreviations like "LMFT A" are not council-approved and may not be used.

(19) Licensee--Any person licensed by the council.

(20) Licensure examination--The national licensure examination administered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or the State of California marriage and family therapy licensure examination.

(21) Marriage and family therapy--The rendering of professional therapeutic services to clients, singly or in groups, and involves the professional application of family systems theories and techniques in the delivery of therapeutic services to those persons. The term includes the evaluation and remediation of cognitive, affective, behavioral, or relational dysfunction or processes.

(22) Month--A calendar month.

(23) Person--An individual, corporation, partnership, or other legal entity.

(24) Recognized religious practitioner--A rabbi, clergyman, or person of similar status who is a member in good standing of and accountable to a legally recognized denomination or legally recognizable religious denomination or legally recognizable religious

organization and other individuals participating with them in pastoral counseling if:

(A) the therapy activities are within the scope of the performance of regular or specialized ministerial duties and are performed under the auspices of sponsorship of an established and legally recognized church, denomination or sect, or an integrated auxiliary of a church as defined in 26 CFR §1.6033-2(h) (relating to Returns by exempt organizations (taxable years beginning after December 31, 1969) and returns by certain nonexempt organizations (taxable years beginning after December 31, 1980));

(B) the individual providing the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary; and

(C) the person does not use the title of or hold himself or herself out as a licensed marriage and family therapist.

(25) Supervision--

(A) Supervision for licensure--The guidance or management in the provision of clinical services by a marriage and family therapy supervisee or LMFT Associate, which must be conducted for at least one supervision hour each week, except for good cause shown.

(B) Supervision, Council-ordered--For the oversight and rehabilitation in the provision of clinical services by a licensee under a Council Order, defined by the Order and the Council-Ordered Supervision Plan, and must be conducted as specified in the Council Order and Supervision Plan (generally in face-to-face, one-on-one sessions).

(26) Supervision hour--50 minutes.

(27) Supervisor--An LMFT with supervisor status meeting the requirements set out in §801.143 of this title. ~~[(relating to Supervisor Requirements)]~~ The appropriate council-approved terminology to use in reference to a Supervisor is: "Supervisor," "Licensed Marriage and Family Therapist Supervisor," "LMFT-S" or "LMFT Supervisor." Other terminology or abbreviations may not be used.

(28) Technology-assisted services--Providing therapy or supervision with technologies and devices for electronic communication and information exchange between a licensee in one location and a client or supervisee in another location.

(29) Therapist--A person who holds a license issued by the council.

(30) Waiver--The suspension of educational, professional, or examination requirements for an applicant who meets licensing requirements under special conditions.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504367

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



SUBCHAPTER B. RULES OF PRACTICE

22 TAC §801.57

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapist proposes amendments to §801.57, relating to Child Custody Evaluations.

Overview and Explanation of the Proposed Rule. The proposed amendment will conform the rule to the statutory changes made to Sections 107.104 and 107.112 of the Family Code by H.B. 2340 from the 89th Legislature, Regular Session (2025).

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to applicants, licensees, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a gov-

ernment program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

REQUEST FOR PUBLIC COMMENTS. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council also proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the na-

ture and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§801.57. Child Custody Evaluations.

(a) Licensees must comply with all applicable statutes and rules, including but not limited to Texas Family Code, Chapter 107, Subchapters D, E, and F (relating to Child Custody Evaluation, Adoption Evaluation, and Evaluations in Contested Adoptions).

(b) When a licensee who has conducted a court-ordered child custody evaluation or adoption evaluation receives any complaint relating to the outcome of the evaluation, the licensee must report the complaint to the court that ordered the evaluation. See Council rule §884.3 of this title. [See council rules, found in §884.3 of this title (relating to Special Requirements for Complaints Alleging Violations Related to Court Ordered Evaluations).]

(c) Disclosure of confidential information in violation of Texas Family Code[.] §§107.111 (relating to Child Custody Evaluator Access to Investigative Records of Department of Family and Protective Services; Offense), 107.1111 (relating to Child Custody Evaluator Access to Other Records), or [§]107.163 (relating to Adoption Evaluator Access to Investigative Records of Department of Family and Protective Services; Offense), or failure to redact any social security numbers or child's birth date from records subject to disclosure under [§]107.112 (relating to Communications and Recordkeeping of Child Custody Evaluator) before making the records available, is grounds for disciplinary action, up to and including license revocation.

(d) A licensee may not provide any other type of service, neither sequentially nor simultaneously in the same case that he or she provides a child custody evaluation, unless required by court order.

(e) A licensee may not offer an expert opinion or recommendation relating to the conservatorship of or possession of or access to a child unless the licensee has conducted a child custody evaluation relating to the child in accordance with Texas Family Code, Chapter 107, Subchapter D.

(f) Before beginning child custody evaluations or adoption evaluations, a licensee must inform the parties in writing of:

(1) the limitations on confidentiality in the evaluation process; and

(2) the basis of fees and costs and the method of payment, including any fees associated with postponement, cancellation, and/or nonappearance, and the parties' pro rata share of the fees and costs as determined by the court order or written agreement of the parties.

(g) An LMFT Associate may not conduct child custody evaluations or adoption evaluations unless qualified by another professional license to provide such services or otherwise allowed by law.

(h) An LMFT who has completed a doctoral degree and at least 10 court-ordered child custody evaluations under the supervision of an individual qualified by the Texas Family Code, Chapter 107 to perform child custody evaluations is qualified to conduct child custody evaluations under Texas Family Code, Chapter 107. All other LMFTs must comply with the qualification requirements stipulated in Texas Family Code, Chapter 107.

(1) In addition to the minimum qualifications set forth by this rule, an individual must complete at least eight hours of family violence dynamics training provided by a family violence service provider to be qualified to conduct child custody evaluations.

(2) In addition to the qualifications prescribed by this rule, to be qualified to conduct a child custody evaluation, an individual must

complete, during the two-year period preceding the evaluation, at least three hours of initial or continuing training, as applicable, related to the care of a child with an intellectual disability or developmental disability, including education, therapy, preparation for independent living, or methods for addressing physical or mental health challenges.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504368

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



SUBCHAPTER C. APPLICATIONS AND LICENSING

22 TAC §801.112

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapist proposes amendments to §801.112, relating to General Academic Requirements.

Overview and Explanation of the Proposed Rule. The proposed amendment will remove the term "regionally" to expand the category of acceptable accrediting agencies to include regional, national, and institutional accrediting bodies, as long as they are recognized by CHEA, THECB, or the U.S. Department of Education. The proposed amendments would also align the requirement that all courses must receive a passing grade and be credited on an applicant's transcript, removing the requirement that some courses receive a "B" letter grade.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to applicants, licensees, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year pe-

riod the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

REQUEST FOR PUBLIC COMMENTS. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which

vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council also proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§801.112. General Academic Requirements.

(a) An applicant must submit an official transcript showing:

(1) a master's or doctorate degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE);

(2) a master's degree from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP), Marriage, Couples, and Family Counseling (MCFC) specialization which meets the requirements of §801.114(b)(8) of this title [~~(relating to Academic Course Content)~~] and starts on or after January 1, 2017, (the earliest class reported on one of an applicant's official transcripts denotes the start of a program); or

(3) a master's or doctorate degree from an [a regionally] accredited institution of higher education in marriage and family therapy or in a related mental health field with a planned course of study in marriage and family therapy as described in §801.113(b), (c), and (d) of this title [~~(relating to Academic Requirements)~~] with the required minimum course content as described in §801.114 of this title.

(b) An applicant with foreign degree or coursework must comply with Council rule [council rules, 22 Texas Administrative Code] §882.11[,] [~~(relating to Applicants with Foreign Degrees)~~].

(c) An applicant must submit a course description from an official school catalog or syllabus for any course listed on the transcript with a title not self-explanatory or apparently relevant to academic requirements.

(d) The council will not accept any undergraduate courses as meeting any academic requirements unless the applicant's official tran-

script clearly shows that the course was awarded graduate credit by the school.

(e) The council will accept as meeting academic requirements only those courses shown on the applicant's transcript as completed with a passing grade or for credit.[:]

[(1) part of the applicant's program of studies and as completed with a passing grade or for credit; or]

[(2) taken outside the applicant's program of studies and completed with at least a "B" or "pass."]

(f) The council will consider a quarter hour of academic credit as two-thirds of a semester hour.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504369

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



22 TAC §801.113

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapist proposes amendments to §801.113, relating to Academic Requirements.

Overview and Explanation of the Proposed Rule. The proposed amendment will remove the term "regionally" to expand the category of acceptable accrediting agencies to include regional, national, and institutional accrediting bodies, as long as they are recognized by CHEA, THECB, or the U.S. Department of Education.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to applicants, licensees, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

REQUEST FOR PUBLIC COMMENTS. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council also proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§801.113. Academic Requirements.

(a) An applicant for the licensure examination must have completed or be enrolled in a council-approved marriage and family therapy graduate internship.

(b) An applicant for LMFT Associate or LMFT must have a master's or doctorate degree in marriage and family therapy or a master's or doctorate degree in a related mental health field with course work and training determined by the council to be substantially equivalent to a graduate degree in marriage and family therapy from an [a regionally] accredited institution of higher education or an institution of higher education approved by the council with (the earliest class reported on one of an applicant's official transcripts denotes the start of a program):

(1) at least 45 semester hours for an applicant who started a program before August 1, 2017; or

(2) at least 60 semester hours for an applicant who started a program on or after August 1, 2017.

(c) A degree or course work in a related mental health field must have been a planned course of study designed to train a person to provide direct services to assist individuals, families or couples in a therapeutic relationship in the resolution of cognitive, affective, behavioral or relational dysfunctions within the context of marriage or family systems.

(d) Examples of degrees in a related mental health field may include counseling, psychology, social work, or family studies with an emphasis on Marriage and Family Therapy. Degrees in fields other than those listed may be reviewed for eligibility toward course equivalency

in accordance with Council rule [council rules, 22 Texas Administrative Code], §882.1 of this title. [(relating to Application Process).]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504370

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



22 TAC §801.204

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapist proposes amendments to §801.204, relating to Licensing of Military Service Members, Military Veterans, and Military Spouses.

Overview and Explanation of the Proposed Rule. The proposed amendment will align the Council's rules with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to applicants, licensees, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

REQUEST FOR PUBLIC COMMENTS. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board

shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council also proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§801.204. Licensing of Military Service Members, Military Veterans, and Military Spouses.

(a) An applicant for licensure under this section must comply with Council §882.60 of this title.

~~[(b) Upon request, an applicant must provide acceptable proof of current licensure issued by another jurisdiction. Upon request, the applicant must provide proof that the licensing requirements of that jurisdiction are substantially equivalent to the licensing requirements of this state.]~~

(b) [(e)] For an application for a license submitted by a verified military service member or military veteran, the applicant will receive credit towards any licensing or apprenticeship requirements, except an examination requirement, for verified military service, training, or education relevant to the occupation, unless he or she holds a restricted license issued by another jurisdiction or if he or she has a disqualifying criminal history as described by the Act, the Council Act, or Council rules.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504371

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



PART 41. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

CHAPTER 881. GENERAL PROVISIONS

SUBCHAPTER A. GENERAL PROVISIONS

22 TAC §881.2

The Texas Behavioral Health Executive Council proposes amendments to §881.2, relating to Definitions.

Overview and Explanation of the Proposed Rule. The proposed amendment will align the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to applicants, licensees, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does

not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

REQUEST FOR PUBLIC COMMENTS. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/index.html>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§881.2. Definitions.

(a) The following definitions are generally applicable throughout the agency's rules and policies:

(1) The term "ALJ" as used herein shall refer to an administrative law judge employed by SOAH.

(2) The terms "Chapter 501," "Chapter 502," "Chapter 503," "Chapter 505," and "Chapter 507" as used herein shall refer to the corresponding chapter in the Occupations Code.

(3) The term "Executive Council" or "Council" as used herein shall refer to the Texas Behavioral Health Executive Council (BHEC).

(4) The term "member board" as used herein shall refer to:

(A) The Texas State Board of Examiners of Marriage and Family Therapists (TSBEMFT);

(B) The Texas State Board of Examiners of Professional Counselors (TSBEPC);

(C) The Texas State Board of Examiners of Psychologists (TSBEP); or

(D) The Texas State Board of Social Worker Examiners (TSBSWE).

(5) The term "PFD" as used herein shall refer to a proposal for decision issued by an ALJ.

(6) The terms "professional development" and "continuing education" as used herein have the same meaning.

(7) The term "SOAH" as used herein shall refer to the State Office of Administrative Hearings.

(8) The term "TAC" as used herein shall refer to the Texas Administrative Code.

(b) The following definitions apply only to those rules specific to the regulation of the practice of marriage and family therapy:

(1) "LMFT" refers to a licensed marriage and family therapist and has the same meaning as assigned by §502.002 of the Occupations Code.

(2) "LMFT Associate" refers to a licensed marriage and family therapist associate and has the same meaning as assigned by §502.002 of the Occupations Code.

(c) The following definitions apply only to those rules specific to the regulation of the practice of professional counseling:

(1) "LPC" refers to a licensed professional counselor and has the same meaning as assigned by §503.002 of the Occupations Code.

(2) "LPC Associate" refers to an individual licensed as a professional counselor associate under §503.308 of the Occupations Code.

(d) The following definitions apply only to those rules specific to the regulation of the practice of psychology:

(1) "LPA" or "Psychological Associate" refers to an individual licensed as a psychological associate under §501.259 of the Occupations Code.

(2) "SP" or "LSP" ["LSSP"] refers to an individual licensed as a [specialist in] school psychologist [psychology] under §501.260 of the Occupations Code.

(3) "Provisionally licensed psychologist" or "provisional licensee" means an individual licensed as a psychologist with provisional status under §501.253 of the Occupations Code.

(4) "PSYPACT" refers to the Psychology Interjurisdictional Compact found in Chapter 501, Subchapter L of the Occupations Code.

(e) The following definitions apply only to those rules specific to the regulation of the practice of social work:

(1) "LBSW" refers to a licensed baccalaureate social worker and has the same meaning as assigned by §505.002 of the Occupations Code.

(2) "LCSW" refers to a licensed clinical social worker and has the same meaning as assigned by §505.002 of the Occupations Code.

(3) "LMSW" refers to a licensed master social worker and has the same meaning as assigned by §505.002 of the Occupations Code.

(4) "LMSW-AP" refers to an individual licensed as a master social worker with the advanced practitioner specialty recognition.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 2, 2025.

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Darrel D. Spinks

Executive Director

Texas Behavioral Health Executive Council

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For further information, please call: (512) 305-7706



CHAPTER 882. APPLICATIONS AND LICENSING

SUBCHAPTER D. CRIMINAL HISTORY AND LICENSE ELIGIBILITY

22 TAC §882.42

The Texas Behavioral Health Executive Council proposes amendments to §882.42, relating to Ineligibility Due to Criminal History.

Overview and Explanation of the Proposed Rule. The proposed amendment will conform the rule to the statutory changes made to Section 53.021 of the Occupations Code by S.B. 1080 from the 89th Legislature, Regular Session (2025).

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to applicants, licensees, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

REQUEST FOR PUBLIC COMMENTS. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/index.html>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§882.42. *Ineligibility Due to Criminal History.*

(a) The Council may revoke or suspend a license, disqualify a person from receiving or renewing a license, or deny a person the opportunity to be examined for a license due to a felony or misdemeanor conviction, or a plea of guilty or nolo contendere followed by deferred adjudication, if the offense:

(1) is listed in Article 42A.054 of the Code of Criminal Procedure;

(2) was a sexually violent offense, as defined by Article 62.001 of the Code of Criminal Procedure; or

(3) directly relates to the duties and responsibilities of a licensee.

(b) In determining whether a criminal conviction directly relates to the duties and responsibilities of a licensee, the agency shall consider the factors listed in §53.022 of the Occupations Code. Each member board shall determine which crimes are directly related to the duties and responsibilities of its licensees.

(c) If the agency determines that a criminal conviction directly relates to the duties and responsibilities of a licensee, the agency must consider the factors listed in §53.023 of the Occupations Code when determining whether to suspend or revoke a license, disqualify a person from receiving a license, or deny a person the opportunity to take a licensing examination. It shall be the responsibility of the applicant or licensee to provide documentation or explanations concerning each of the factors listed in the law. Any documentation or explanations received will be considered by the agency when deciding whether to suspend or revoke a license, disqualify a person from receiving a license, or deny a person the opportunity to take a licensing examination.

(d) Notwithstanding any schedule of sanctions adopted by the Council or a member board, the Council: ~~[shall:]~~

(1) ~~shall~~ revoke a license due to a felony conviction under §35A.02 of the Penal Code, concerning Medicaid fraud, in accordance with §36.132 of the Human Resources Code;

(2) ~~shall~~ revoke or suspend a license for unprofessional conduct in accordance with §105.002 of the Occupations Code; ~~[and]~~

(3) ~~shall~~ revoke a license due to a license holder's imprisonment following a felony conviction ~~for: [, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.]~~

(A) an offense that directly relates to the duties and responsibilities of the licensed occupation;

(B) an offense listed in Article 42A.054, Code of Criminal Procedure; or

(C) a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure;

(4) ~~shall~~ revoke a license due to a license holder's felony community supervision revocation, revocation of parole, or revocation of mandatory supervision; or

(5) ~~may~~ revoke a license due to a license holder's imprisonment following a felony conviction.

(e) In accordance with Chapter 108 of the Occupations Code, an application for licensure as a psychologist or social worker will be denied if the applicant:

(1) is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure;

(2) has been previously convicted of or placed on deferred adjudication for the commission of a felony offense involving the use or threat of force; or

(3) has been previously convicted of or placed on deferred adjudication for the commission of an offense:

(A) under §§22.011, 22.02, 22.021 or 22.04 of the Penal Code, or an offense under the laws of another state or federal law that is equivalent to an offense under one of those sections;

(B) during the course of providing services as a health care professional; and

(C) in which the victim of the offense was a patient.

(f) A person whose application was denied under subsection (e) of this section may reapply for licensure if the person meets the requirements of §108.054 of the Occupations Code.

(g) In accordance with §108.053 of the Occupations Code, the Council shall revoke the license of a psychologist or social worker if the licensee is:

(1) convicted or placed on deferred adjudication for an offense described by subsection (e)(2) or (3) of this section; or

(2) required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure.

(h) The Council will provide notice to a person whose application has been denied due to criminal history as required by §53.0231 and §53.051 of the Occupations Code.

(i) A criminal offense committed in another state, tribal, territorial, or commonwealth jurisdiction or under federal law is subject to this rule if the offense is substantially similar to an offense listed in this rule.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504360

Darrel D. Spinks

Executive Director

Texas Behavioral Health Executive Council

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



SUBCHAPTER F. LICENSING PROVISIONS RELATED TO MILITARY SERVICE MEMBERS, VETERANS, AND MILITARY SPOUSES

22 TAC §882.60

The Texas Behavioral Health Executive Council proposes amendments to §882.60, relating to Special Provisions Applying to Military Service Members, Veterans, and Spouses.

Overview and Explanation of the Proposed Rule. The proposed amendment will align the Council's rules with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to applicants, licensees, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to pre-

pare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

REQUEST FOR PUBLIC COMMENTS. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/index.html>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§882.60. Special Provisions Applying to Military Service Members, Veterans, and Spouses.

(a) The Council adopts by reference the definitions set forth in Chapter 55 of the Occupations Code.

(b) A license may be issued to a military service member, military veteran, or military spouse upon proof of one of the following:

(1) the applicant holds a current license in good standing in another jurisdiction that has a similar scope of practice as ~~licensing requirements that are substantially equivalent to the requirements for~~ the license sought in this state; or

(2) within the five years preceding the application date, the applicant held the license sought in this state.

(c) An applicant applying as a military spouse must submit proof of marriage to a military service member.

~~[(d) Each member board shall develop and maintain a method for determining substantial equivalency under subsection (b) of this section.]~~

(d) ~~[(e)]~~ As part of the application process, the Executive Director may waive any prerequisite for obtaining a license, other than the requirements in subsection (b) of this section, the jurisprudence examination, and the fingerprint criminal history background check, if it is determined that the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice under the license sought. When making this determination, the Executive Director must consult with the relevant member board or its designated application or licensing committee and consider the board's or committee's input and recommendations. In the event the Executive Director does not follow

a recommendation of the board or committee, the Executive Director must submit a written explanation to the board or committee explaining why its recommendation was not followed. No waiver may be granted where a military service member or military veteran holds a license issued by another jurisdiction that has been restricted, or where the applicant has a disqualifying criminal history.

(e) [(f)] Each member board may develop and maintain alternate methods for a military service member, military veteran, or military spouse to demonstrate competency in meeting the requirements for obtaining a license, including receiving appropriate credit for training, education, and professional experience.

(f) [(g)] Each member board shall develop and maintain a method for applying credit toward license eligibility requirements for applicants who are military service members or military veterans with verifiable military service, training, or education. An applicant may not receive credit toward licensing requirements under this subsection if the applicant holds another license that has been restricted, or the applicant has a disqualifying criminal history.

(g) [(h)] The initial renewal date for a license issued pursuant to this rule shall be set in accordance with the agency's rule governing initial renewal dates.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504361

Darrel D. Spinks

Executive Director

Texas Behavioral Health Executive Council

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



22 TAC §882.61

The Texas Behavioral Health Executive Council proposes amendments to §882.61, relating to Special Licensing Provisions for Service Members and Military Spouses.

Overview and Explanation of the Proposed Rule. The proposed amendment will align the Council's rules with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to applicants, licensees, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public

benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

REQUEST FOR PUBLIC COMMENTS. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/index.html>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§882.61. Special Licensing Provisions for Service Members and Military Spouses.

(a) Notwithstanding §882.23 of this chapter and in accordance with §55.0041 of the Occupations Code and the Veterans Auto and Education Improvement Act of 2022 (Public Law No. 117-333), a service member or military spouse is authorized to practice marriage and family therapy, professional counseling, psychology, or social work without a license if the person meets each of the following requirements:

(1) the service member or military spouse notifies the Council on an agency approved form or as directed by agency staff, of the service member's or military spouse's intent to practice a particular profession in this state;

(2) the service member or military spouse provides verification of licensure in good standing in another jurisdiction in the similar scope of practice and in the discipline applied for in this state; ~~and;~~

~~{(A) has actively used the license during the two years immediately preceding the date of application; or}~~

~~{(B) holds a license that has licensing requirements that are substantially equivalent to the requirements for licensure in this state;}~~

(3) the service member or military spouse submits proof of location [residency] in this state (e.g. copy of a permanent change of station order); ~~[and a copy of the service member's or military spouse's military identification card;]~~ and

(4) the Council provides confirmation to the service member or military spouse that it has verified the service member's or military spouse's license in the other jurisdiction and that the service member or military spouse is authorized to practice a particular profession.

~~{(b) In order to meet the requirements of subsection (a)(2)(B) of this section, a service member or military spouse must submit a copy of the law reflecting the current licensing standards for the relevant profession in the state where the service member or military spouse is licensed, with the relevant portions highlighted for easy reference. The Council shall then determine substantial equivalency based upon the determinations made by the member boards under §882.60(d) of this chapter.}~~

(b) ~~{(e)}~~ The Council may rely upon the following when verifying licensure under this subsection: official verification received directly from the other jurisdiction, a government website reflecting active licensure and good standing, or verbal or email verification directly from the other jurisdiction.

~~(c) [(d)]~~ A service member or military spouse authorized to practice under this rule is subject to all laws and regulations in the same manner as a regularly licensed provider.

~~(d) [(e)]~~ A service member or military spouse may practice under this rule while the service member or military spouse is stationed at a military installation in this state. ~~[If the service member or military spouse relied upon subsection (a)(2)(B) of this section to obtain authorization to practice, the authority shall extend only until the third anniversary of the date of confirmation referenced in subsection (a)(4) of this section.]~~

~~(e) [(f)]~~ In order to obtain and maintain the privilege to practice without a license in this state, a service member or military spouse must remain in good standing with every licensing authority that has issued a license to the service member or military spouse at a similar scope of practice and in the discipline applied for in this state.

~~(f) [(g)]~~ This ~~[Subsection (a)(2)(A) of this section]~~ does not apply to service members or military spouses that are licensed and able to operate in this state through an interstate licensure compact. Service members or military spouses eligible to participate in an interstate licensure compact may either apply to practice through the authority of the interstate licensure compact or through other applicable state law.

~~(g) [(h)]~~ Notwithstanding subsection ~~(d) [(e)]~~ of this section, in the event of a divorce or similar event (e.g., annulment, death of spouse) affecting a military spouse's marital status, a military spouse who relied upon ~~[subsection (a)(2)(B) of]~~ this section to obtain authorization to practice may continue to practice under the authority of this rule until the third anniversary of the date of confirmation referenced in subsection (a)(4) of this section.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504362

Darrel D. Spinks

Executive Director

Texas Behavioral Health Executive Council

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



CHAPTER 884. COMPLAINTS AND ENFORCEMENT

SUBCHAPTER B. INVESTIGATIONS AND DISPOSITION OF COMPLAINTS

22 TAC §884.11

The Texas Behavioral Health Executive Council proposes amendments to §884.11, relating to Informal Conferences.

Overview and Explanation of the Proposed Rule. The proposed amendment will streamline the enforcement process and better align it with other agency rules.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state

or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to applicants, licensees, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive

Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/index.html>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026, which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§884.11. Informal Conferences.

(a) The purpose of an informal conference shall be to provide the complainant with an opportunity to be heard, the respondent with an opportunity to show compliance with the law, and for the agency staff's [staff] or member board's Disciplinary Review Panel to make a recommendation regarding the informal disposition of the complaint. An informal disposition may be made of any complaint by stipulation, [conditional letter of agreement,] agreed or consent order, or dismissal.

(b) [Agency staff may conduct an informal conference if counsel for the agency reasonably believes that expert testimony is not required to prove a violation of a standard of care or the scope of practice for the profession.] Agency staff shall exercise reasonable control over the mode and order of the appearance by the parties, the presentation of witnesses and evidence, and the overall order and decorum during the proceedings. Complainants and respondents will be provided an opportunity to be heard [by staff,] at a time separate and apart from the other.

(c) Agency staff may solicit input from and request the assistance of board members if there are concerns about the standard of care, scope of practice, or ethical practice shown by a licensee. [A Disciplinary Review Panel shall consist of not more than three board members selected by the member board. The panel shall confer with each other and select a chair for the informal conference. The panel chair shall exercise reasonable control over the mode and order of the appearance by the parties, the presentation of witnesses and evidence, and the overall order and decorum during the proceedings. Complainants and respondents will be provided an opportunity to be heard by the panel, at a time separate and apart from the other.]

(d) Complainants and respondents may appear with legal counsel at informal conferences and shall be provided with an opportunity to present witnesses and any evidence they believe is relevant to a determination of the allegations, including written statements or communications, medical or mental health records, recordings, photographs, or other documentary evidence.

(e) Complainants and respondents are encouraged to attend informal conferences, but attendance is voluntary.

(1) Failure by a respondent to attend an informal conference does not constitute professional misconduct or failure to cooperate with a Council investigation, but a respondent is not entitled to a new or additional informal conference if agency staff or the panel makes a disciplinary recommendation regarding the licensee in absentia.

(2) Failure by a complainant to attend an informal conference may result in a recommendation for dismissal of the complaint.

(f) A complaint which is not dismissed or resolved by agreement following an informal conference, shall be filed as a contested case with the State Office of Administrative Hearings.

(g) An attorney for the agency must be present at all informal conferences.

(h) Informal conferences are not open meetings subject to Chapter 551 of the Government Code and no formal record of the proceedings shall be made or maintained.

(i) The Council finds and declares that informal conferences are part of the confidential complaint and investigation process, and as such, the Disciplinary Review Panel and agency staff shall take any and all steps necessary to ensure the confidentiality of informal conferences in accordance with §507.205 of the Occupations Code.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504363

Darrel D. Spinks

Executive Director

Texas Behavioral Health Executive Council

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



CHAPTER 885. FEES

22 TAC §885.1

The Texas Behavioral Health Executive Council proposes amendments to §885.1, relating to Executive Council Fees.

Overview and Explanation of the Proposed Rule. The proposed amendment will remove a prior fee schedule that has not been in effect for over two years. The proposed amendment also adds a fee for requesting an 11" by 14" wall printing of a license, and conforms language to other rule changes that rename Licensed Specialists in School Psychology to School Psychologist.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to ap-

plicants, licensees, and the general public because the proposed rule will provide greater clarity, consistency, and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted by mail to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 1801 Congress Ave., Ste. 7.300, Austin, Texas 78701 or via <https://www.bhec.texas.gov/proposed-rule-changes-and-the-rulemaking-process/index.html>. The deadline for receipt of comments is 5:00 p.m., Central Time, on January 11, 2026,

which is at least 30 days from the date of publication of this proposal in the *Texas Register*.

Applicable Legislation. This rule is proposed pursuant to the specific legal authority granted to the Executive Council by H.B. 1501, 86th Leg., R.S. (2019).

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§885.1. Executive Council Fees.

(a) General provisions.

(1) All fees are nonrefundable, nontransferable, and cannot be waived except as otherwise permitted by law. Any attempt to cancel, initiate a chargeback, or seek recovery of fees paid to the Council may result in the opening of a complaint against a licensee or applicant.

(2) Fees required to be submitted online to the Council must be paid by debit or credit card. All other fees paid to the Council must be in the form of a personal check, cashier's check, or money order.

(3) For applications and renewals the Council is required to collect fees to fund the Office of Patient Protection (OPP) in accordance with Texas Occupations Code §101.307, relating to the Health Professions Council.

(4) For applications, examinations, and renewals the Council is required to collect subscription or convenience fees to recover costs associated with processing through Texas.gov.

(5) All examination fees are to be paid to the Council's designee.

(b) The Executive Council adopts the following chart of fees: Figure 22 TAC §885.1(b)

{(1) Fees effective through August 31, 2023-}
{Figure 22 TAC §885.1(b)(1)}

{(2) Fees effective on September 1, 2023-}
{Figure 22 TAC §885.1(b)(2)}

(c) Late fees. (Not applicable to Inactive Status)

(1) If the person's license has been expired (i.e., delinquent) for 90 days or less, the person may renew the license by paying to the Council a fee in an amount equal to one and one-half times the base renewal fee.

(2) If the person's license has been expired (i.e., delinquent) for more than 90 days but less than one year, the person may renew the license by paying to the Council a fee in an amount equal to two times the base renewal fee.

(3) If the person's license has been expired (i.e., delinquent) for one year or more, the person may not renew the license; however, if eligible the person may apply for reinstatement of the license.

(d) **Open Records Fees.** In accordance with §552.262 of the Government Code, the Council adopts by reference the rules developed by the Office of the Attorney General in 1 TAC Part 3, Chapter 70 (relating to Cost of Copies of Public Information) for use by each governmental body in determining charges under Government Code, Chapter 552 (Public Information) Subchapter F (Charges for Providing Copies of Public Information).

(e) **Military Exemption for Fees.** All licensing and examination base rate fees payable to the Council are waived for applicants who are:

(1) military service members and military veterans, as those terms are defined by Chapter 55, Occupations Code, whose military service, training, or education substantially meets all licensure requirements; or

(2) military service members, military veterans, and military spouses, as those terms are defined by Chapter 55, Occupations Code, who hold a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements of this state.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504364

Darrel D. Spinks

Executive Director

Texas Behavioral Health Executive Council

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 305-7706



TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 511. LIMITED SERVICES RURAL HOSPITALS

SUBCHAPTER C. OPERATIONAL REQUIREMENTS

26 TAC §511.85

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes new §511.85, concerning Miscellaneous Policies and Protocols.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with House Bill (HB) 4076, 89th Legislature, Regular Session, 2025. HB 4076 amended Texas Health and Safety Code (THSC) Chapter 161 by adding §161.474, which prohibits a health care provider from discriminating based on vaccination status for services related to organ transplants.

The proposal increases consistency between the limited services rural hospital (LSRH) licensing rules and similar rules for other HHSC-regulated health care facilities.

SECTION-BY-SECTION SUMMARY

Proposed new §511.85, Miscellaneous Policies and Protocols requires limited services rural hospitals to comply with THSC Chapter 161, Subchapter S, prohibiting a health care provider from discrimination based on disability or vaccination status of an individual that needs an organ transplant or other organ transplant-related services.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

- (1) the proposed rule will not create or eliminate a government program;
- (2) implementation of the proposed rule will not affect the number of HHSC employee positions;
- (3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;
- (4) the proposed rule will not affect fees paid to HHSC;
- (5) the proposed rule will create a new regulation;
- (6) the proposed rule will not expand, limit, or repeal existing regulation;
- (7) the proposed rule will not change the number of individuals subject to the rule; and
- (8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rule does not impose a cost or require small businesses, micro-businesses, or rural communities to alter their current business practices.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule is necessary to protect the health, safety, and welfare of the residents of Texas; does not impose a cost on regulated persons; and is necessary to implement legislation that does not specifically state that §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

Lisa Glenn, Deputy Chief Policy and Regulatory Officer, has determined that for each year of the first five years the rule is in effect, the public benefit will be promoting nondiscriminatory treatment of persons needing organ transplant.

Trey Wood has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because there is no requirement to alter current business practices and there are no new fees or costs imposed on those required to comply.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHSRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 25R055" in the subject line.

STATUTORY AUTHORITY

The new section is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies and THSC §241.302(b), which provides that the executive commissioner of HHSC shall adopt rules to establish minimum standards for limited services rural hospitals.

The new rule implements Texas Government Code §524.0151, THSC §241.302(b), and THSC Chapter 161, Subchapter S.

§511.85. Miscellaneous Policies and Protocols.

A limited services rural hospital shall not discriminate based on a patient's disability and shall comply with Texas Health and Safety Code Chapter 161, Subchapter S (relating to Allocation of Kidneys and Other Organs Available for Transplant).

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504389

Karen Ray
Chief Counsel

Health and Human Services Commission

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 834-4591

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 16. TEXAS CIVIL COMMITMENT OFFICE

CHAPTER 810. CIVIL COMMITMENT SUBCHAPTER A. CIVIL COMMITMENT GENERAL PROVISIONS

37 TAC §810.122

The Texas Civil Commitment Office proposes amendments to the Texas Administrative Code, Title 37, Part 16, Chapter 810, Subchapter A, §810.122. A review of agency rules was conducted pursuant to Texas Government Code §2001.039 and notice of the rule review was posted in the October 10, 2025 issue of the *Texas Register* (50 TexReg 6691). No public comment was received. The amendments are proposed to reflect the statutory changes created by Texas Government Code, §2001.227, passed during the 88th Legislative Session, which exempts from the administrative rulemaking procedure any rule or internal procedure of TCCO that applies to a person who is civilly committed as a sexually violent predator under Chapter 841 of the Texas Health and Safety Code.

Hayley Glisson, Staff Attorney, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Hayley Glisson, Staff Attorney, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be clarity related to the rules applying to individuals civilly committed pursuant to Texas Health and Safety Code Chapter 841. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed amendment may be submitted to Hayley Glisson, Staff Attorney for TCCO, 4616 West Howard Lane, Building 2, Suite 350, Austin, Texas 78728, or via email at publiccomment@tcco.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The rule amendment is proposed under the general rulemaking authority provided in Texas Health and Safety Code Section 841.141.

The statutory provisions affected by the proposal are contained in the Texas Administrative Code, Title 37, Part 16, Chapter 810.

§810.122. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Act--Health and Safety Code Chapter 841, Civil Commitment of Sexually Violent Predators.

{(2) Case Management Team--All professionals involved in the assessment, treatment, supervision, monitoring, residential housing of the client, or other approved professionals. The case manager assigned by the office shall act as the chairperson of the team.}

{(3) Chemical Restraints--Chemical agents or inflammatory agents such as Oleoresin Capsicum (OC) or Orthochlorobenzal-malononitrile (CS) spray, that are designed to temporarily immobilize or incapacitate through temporary discomfort caused by the chemical action.}

{(4) Clinical Examiner--A person or persons employed by or under contract with the office to conduct a biennial examination to assess any change in the behavioral abnormality for a person committed under the Act, §841.081.}

{(5) Income--}

{(A) or the purpose of recovery of costs under §841.084 of the Act, income includes but is not limited to:}

{(i) money received from employment, to include wages, salaries, tips and other taxable employee pay;}

{(ii) disability benefits;}

{(iii) net earnings from self-employment;}

{(iv) net gain from the sale of property purchased while under civil commitment;}

{(v) net income from rental property or an ownership in an on-going business; (vi) interest or dividend income; retirement income;}

{(vii) social security income;}

{(viii) unemployment benefits;}

{(ix) proceeds from lottery winnings; and}

{(x) gifts of cash.}

{(B) The following are excluded from Income:}

{(i) funds or property received from a judgment;}

{(ii) an inheritance;}

{(iii) funds or property received from a divorce decree;}

{(iv) insurance proceeds;}

{(v) transfers of funds from a spouse which shall not exceed \$100.00 monthly; or}

~~[(vi) proceeds from the sale of property acquired prior to being civilly committed.]~~

~~[(6) Indigent—For the purpose of recovery of costs under § 841.084 of the Act, a sexually violent predator is considered to be indigent if the sexually violent predator does not have any income.]~~

~~[(7) Mechanical Restraints—Items such as handcuffs, cuff protectors, plastic cuffs (disposable type), leg irons, belly chains etc. and are designed to immobilize or incapacitate a client.]~~

~~[(8) Multidisciplinary Team (MDT)—Members of the Texas Civil Commitment Office (two); a licensed sex offender treatment provider from the Council on Sex Offender Treatment (one); Texas Department of Criminal Justice Rehabilitation Programs Division - sex offender rehabilitation program (one); Texas Department of Criminal Justice - Victim Service Division (one); a licensed peace officer employed by the Texas Department of Public Safety with at least five years' experience working for that department or the officer's designee (one); and a mental health professional from the Texas Department of State Health Services (one). The team assesses whether a person is a repeat sexually violent offender and whether the person is likely to commit a sexually violent offense after release; gives notice of its findings to the Texas Department of Criminal Justice; and recommends that the person be assessed for a behavioral abnormality.]~~

~~(2) [(9)] Office--The Texas Civil Commitment Office (TCCO) including the Governing Board (Government Code Chapter 420A).~~

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504390

Hayley Glisson

Staff Attorney

Texas Civil Commitment Office

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 341-4421



SUBCHAPTER B. CIVIL COMMITMENT

37 TAC §810.153

The Texas Civil Commitment Office proposes amendments to the Texas Administrative Code, Title 37, Part 16, Chapter 810, Subchapter B, §810.153. A review of agency rules was conducted pursuant to Texas Government Code §2001.039 and notice of the rule review was posted in the October 10, 2025 issue of the *Texas Register* (50 TexReg 6691). No public comment was received. The amendments are proposed to reflect the statutory changes created by Texas Government Code, §2001.227, passed during the 88th Legislative Session, which exempts from the administrative rulemaking procedure any rule or internal procedure of TCCO that applies to a person who is civilly committed as a sexually violent predator under Chapter 841 of the Texas Health and Safety Code.

Hayley Glisson, Staff Attorney, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated

reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Hayley Glisson, Staff Attorney, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be clarity related to the rules applying to individuals civilly committed pursuant to Texas Health and Safety Code Chapter 841. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed amendment may be submitted to Hayley Glisson, Staff Attorney for TCCO, 4616 West Howard Lane, Building 2, Suite 350, Austin, Texas 78728, or via email at publiccomment@tcco.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The rule amendment is proposed under the general rulemaking authority provided in Texas Health and Safety Code Section 841.141.

The statutory provisions affected by the proposal are contained in the Texas Administrative Code, Title 37, Part 16, Chapter 810.

§810.153. Tiered Treatment and Supervision Program.

The office shall determine the conditions of supervision and treatment for persons committed under this chapter.

~~[(1) The office shall develop a tiered program policy for the supervision and treatment of a committed person. The tiered program shall provide for the seamless transition of a committed person from a total confinement facility to less restrictive housing and supervision and eventually release based on the person's behavior and progress in treatment.]~~

~~[(2) The policy regarding the movement of committed persons between programming tiers shall be in accordance with Chapter 841 of the Texas Health and Safety Code. The office shall take into account the committed person's individual treatment plan and behavior in movement through programming tiers. A committed person shall be required to meet the tasks and targets of the person's current programming tier and demonstrate that the person has internalized the concepts of the current programming tier prior to movement to the next programming tier. A committed person who demonstrates a regression in treatment or behavior may be reduced in tier levels.]~~

[(3)] The office shall enter into appropriate contracts or memoranda of understanding for the provision of any necessary supervised housing and other related services and may enter into appropriate contracts for medical and mental health services and sex offender treatment.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 3, 2025.

TRD-202504413

Hayley Glisson

Staff Attorney

Texas Civil Commitment Office

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 431-4421



37 TAC §§810.154 - 810.156

The Texas Civil Commitment Office proposes repeal of the Texas Administrative Code, Title 37, Part 16, Chapter 810, Subchapter B, §§810.154 - 810.156. A review of agency rules was conducted pursuant to Texas Government Code §2001.039 and notice of the rule review was posted in the October 10, 2025 issue. No public comment was received. The repeals are proposed to reflect the statutory changes created by Texas Government Code, §2001.227, passed during the 88th Legislative Session, which exempts from the administrative rulemaking procedure any rule or internal procedure of TCCO that applies to a person who is civilly committed as a sexually violent predator under Chapter 841 of the Texas Health and Safety Code.

Hayley Glisson, Staff Attorney, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Hayley Glisson, Staff Attorney, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be clarity related to the rules applying to individuals civilly committed pursuant to Texas Health and Safety Code Chapter 841. There are

no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed repeals may be submitted to Hayley Glisson, Staff Attorney for TCCO, 4616 West Howard Lane, Building 2, Suite 350, Austin, Texas 78728, or via email at publiccomment@tcco.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The rule repeals are proposed under the general rulemaking authority provided in Texas Health and Safety Code Section 841.141.

The statutory provisions affected by the proposal are contained in the Texas Administrative Code, Title 37, Part 16, Chapter 810.

§810.154. *Emergency Detention Orders.*

§810.155. *Mechanical and Chemical Restraints.*

§810.156. *Sexually Violent Predators Required to Submit to Global Positioning Satellite (GPS Tracking).*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 1, 2025.

TRD-202504391

Hayley Glisson

Staff Attorney

Texas Civil Commitment Office

Earliest possible date of adoption: January 11, 2026

For further information, please call: (512) 341-4421



ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 14. HANDLING AND MARKETING OF PERISHABLE COMMODITIES

The Texas Department of Agriculture (Department) adopts amendments to Texas Administrative Code, Title 4, Chapter 14 (Perishable Commodities Handling and Marketing Program), Subchapter A (General Provisions), §14.1 (Definitions), §14.2 (Citrus Proof of Ownership), §14.3 (Fees), and §14.4 (Cancellation of License); Subchapter B (Produce Recovery Fund Claims), §14.10 (Claims Against the Fund), §14.11 (Determination on Claims by the Department), §14.12 (Filing of Notice of Protest; Appeal to the Board), §14.13 (Payment of Claims from the Fund), and §14.14 (Reimbursement to the Fund); and Subchapter C (Produce Recovery Fund Board), §14.20 (Purpose and Scope), §14.21 (Duties of the Board and the Department), §14.22 (Meetings), §14.23 (Conduct of Hearings of the Produce Recovery Fund Board), §14.24 (The Board's Final Determination), §14.25 (Motion for Rehearing), and §14.26 (Appeals). The Department identified the need for the amendments during its rule review conducted pursuant to Texas Government Code §2001.039. The amendments to §§14.1 - 14.4, 14.11 - 14.14, and 14.20 - 14.26 are adopted without changes to the proposed text as published in the June 20, 2025 issue of the *Texas Register* (50 TexReg 3609) and will not be republished. The amendment to §14.10 is adopted with a change to fix a minor typographical error to the proposed text as published in the June 20, 2025 issue of the *Texas Register* (50 TexReg 3609) and will be republished.

The adopted amendment to the title of this rule chapter replaces the current title of this chapter with "Handling and Marketing of Perishable Commodities" with the name of the Department's related program and the title of Chapter 101 of the Texas Agriculture Code (Code) for consistency.

The adopted amendments to §14.1 include a definition for the "Administrative Procedure Act" to account for its frequency in this chapter, remove a definition for "agent" due to its infrequency in this chapter, update a reference in the definition for the "Open Meetings Act," add language to the definition for "claim" to specify against whom claims can be filed, and add a citation to the Code to the definition of "perishable commodity" to denote the statutory source of its definition.

The adopted amendment to §14.2 replaces the term "licensee" with "license holder" to conform with the language in use in Code, Chapter 103.

The adopted amendments to §14.3 add language specifying those agents who require identification cards.

The adopted amendments to §14.4 specify a reference to the Department's general rules of procedure outlines in Chapter 1, Subchapter A of this title and change a reference to Chapter 2001 of the Texas Government Code to account for its proposed definition in §14.1.

The adopted amendments to §14.10 remove subsection (e) to become new subsection (d) §14.10 as its provisions fit more appropriately with those of §14.14, remove an outdated provision addressing claims prior to September 1, 2009, remove unnecessary language precluding the filing of out-of-state claims, and add a reference to §14.3 to specify claim-filing fees.

The adopted amendments to §14.11 change references to this chapter from "title" to "chapter," as the latter term is generally used throughout Title 4, update a reference to Chapter 1, Subchapter A of this title, change "recommendation" to "proposal for decision" as the former is used throughout this chapter and Chapter 1, Subchapter A of this title, make "Deputy Commissioner" lower-case as "Commissioner" is made lower-case throughout this chapter, and replace general references to "agency" with "department."

The adopted amendments to §14.12 change the term "person" to "party" as the former is used within the context of a hearing and in Chapter 103 of the Code, make "proposal for decision" lower-case to be the same as its occurrences in the Department's rules of procedure in Chapter 1, Subchapter A of this title and Chapter 2001 of the Texas Government Code (the Administrative Procedure Act), and replace general references to "agency" with "department."

The adopted amendments to §14.13 remove an outdated subsection outlining payments for claims prior to September 1, 2009; remove an obsolete subsection limiting total payments on claims against a single entity to \$85,000 as its statutory analogue, former Subsection 103.008(c) of the Code, was removed in 2009; and remove a reference to its restrictions on claim payments and replace it with the applicable statutory authority in Chapter 103 of the Code.

The adopted amendments to §14.14 add subsection (e) of §14.10 as new subsection (d) as its provisions relate more appropriately with those of §14.14 and replace the term "working days" with "business days" as the former is the more prevalent term.

The adopted amendments to §14.20 update a reference to Chapter 1, Subchapter A of this title.

The adopted amendments to §14.22 remove unnecessary language addressing requirements of the Open Meetings Act and

remove an incorrect provision on notice of Board meetings being published in the *Texas Register*.

The adopted amendments to §14.23 update Department contact information for prehearing motions and exhibit requests, specify that requests to the Department for hearing related information must be written, and replace the term "working days" with "business days" as the former is the more prevalent term.

The adopted amendments to §14.25 require motions for re-hearing to be sent to opposing parties and Board rulings on these motions to be made in accordance with Section 2001.146 of the Texas Government Code and update Department contact information.

The adopted amendments to §14.26 make a grammatical change to the reference to "board" to be consistent with usage in Code, Chapter 103 and clarify the legal authority cited.

In addition, "Board," "Fund," and "Chairman" are made lower case throughout these rules to align with their occurrences in Chapter 103 of the Code. Likewise, "licensee" and "complaining party" are changed to "license holder" and "aggrieved party" throughout these rules because the latter terms are use in Chapter 103. Also, adopted amendments also reflect editorial changes throughout these rules to correct grammar, remove superfluous or outdated language, and improve the rules' readability.

The Department did not receive any public comments concerning the proposed amendments.

SUBCHAPTER A. GENERAL PROVISIONS

4 TAC §§14.1 - 14.4

The amendments are adopted under the Department's authority in Section 12.016 of the Texas Agriculture Code (Code), which authorizes the Department to adopt rules to administer its powers and duties under the Code; such powers and duties include Code, Section 101.006, the requirement that the Department set fees for licensure to handle perishable commodities by rule; Code, Section 101.010, which requires the Department to set fees for identification cards for agents of license holders who either transport or buy perishable commodities; Code, Section 103.005, which also requires the Department to set fees for filing claims against the Produce Recovery Fund (Fund); Code, Section 103.009, which further requires the Department to issue orders canceling licenses and to deny issuing new licenses or renewing licenses for license holders or those required to be licensed to handle perishable commodities who, following payments from the Fund against them, neither pays nor agrees to pay either the Fund or the aggrieved party; Code, Section 103.011, which requires the Department to set an annual fee for those licensed under Code, Chapter 101; and Code, Section 103.012, which requires the Department, with the advice of the Board, to adopt rules related to payment of claims from the Fund.

Chapters 101 and 103 of the Texas Agriculture Code are affected by the adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 25, 2025.

TRD-202504331

Susan Maldonado

General Counsel

Texas Department of Agriculture

Effective date: December 15, 2025

Proposal publication date: June 20, 2025

For further information, please call: (512) 463-3559



SUBCHAPTER B. PRODUCE RECOVERY FUND CLAIMS

4 TAC §§14.10 - 14.14

The amendments are proposed under the Department's authority in Code, Section 12.016, which authorizes the Department to adopt rules to administer its powers and duties under the Code. The amendments are proposed under Code, Section 103.009, which requires the Department to set schedules for reimbursements to the Fund and payments to aggrieved parties following Department payments from the Fund and Code, Section 103.012, which requires the Department, with the advice of the Board, to adopt rules related to payment of claims from the Fund.

Chapters 101 and 103 of the Texas Agriculture Code are affected by the adoption.

§14.10. Claims Against the Fund.

(a) What claims can be filed. Only claims against a license holder or a person required to be licensed for loss or damages due to a violation of the terms or conditions of a contract for the sale of perishable commodities grown in Texas may be filed.

(b) Claims filed under the Perishable Agriculture Commodities Act that are accepted as formal complaints and adjudicated by the United States Department of Agriculture, or claims for which an aggrieved party has filed suit in a court of competent jurisdiction shall not be accepted.

(c) How to file. A claim shall be filed with the department on a prescribed complaint form and shall be accompanied by the fee required by §14.3 of this chapter (relating to Fees). The date of postmark, if mailed, or the date the complaint and fee are received by the department, if hand-delivered, shall be the date the claim is deemed filed.

(d) Statute of Limitations. A claim shall be barred if it is filed later than two years from the date the payment was due.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 25, 2025.

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Susan Maldonado

General Counsel

Texas Department of Agriculture

Effective date: December 15, 2025

Proposal publication date: June 20, 2025

For further information, please call: (512) 463-3559



SUBCHAPTER C. PRODUCE RECOVERY FUND BOARD

4 TAC §§14.20 - 14.26

The amendments are proposed under the Department's authority in Code, Section 12.016, which authorizes the Department to adopt rule to administer its powers and duties under the Code. The amendments are proposed under Section 103.012 of the Texas Agriculture Code, which requires the Department, with the advice of the Board, to adopt rules related to payment of claims from the Fund.

Chapters 101 and 103 of the Texas Agriculture Code are affected by the adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 25, 2025.

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Susan Maldonado

General Counsel

Texas Department of Agriculture

Effective date: December 15, 2025

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For further information, please call: (512) 463-3559



TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 744. MINIMUM STANDARDS FOR SCHOOL-AGE AND BEFORE OR AFTER-SCHOOL PROGRAMS

SUBCHAPTER O. SWIMMING POOLS, WADING/SPLASHING POOLS, AND SPRINKLER PLAY

26 TAC §744.3409

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §744.3409, concerning Personal Flotation Device (PFD) Requirements.

Amended §744.3409 is adopted without changes to the proposed text as published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6199). This rule will not be republished.

BACKGROUND AND JUSTIFICATION

The amendment is in response to a petition for rulemaking and is necessary to update current rule language related to United States Coast Guard approved personal flotation devices (PFDs) to reflect changes to buoyancy labeling. Accordingly, HHSC Child Care Regulation (CCR) is adopting an amendment to add an option to a rule that requires an operation to provide a child

who accesses a swimming pool with a United States Coast Guard approved PFD that has a rating of Type I, II, or III, or a buoyancy level of 70 or above.

COMMENTS

The 21-day comment period ended October 10, 2025.

During this period, HHSC received comments regarding the proposed rule from one commenter representing an after-school program, Gingerbread After-School Programs. A summary of comments relating to the rule and HHSC's responses follows.

Comment: One commenter stated that the rule does not distinguish between operations that offer swimming programs and those that do not offer swimming programs. The commenter stated that this lack of clarification could lead someone to interpret that the rule applies to all operations, regardless of whether they provide swimming activities. The commenter recommended the rule be updated to state that it only applies to operations that have a pool on site, offer swimming programs, or take field trips to swimming programs arranged by the operation.

Response: HHSC disagrees with the commenter and declines to revise the rule. HHSC only regulates activities that take place on the premises of an operation or that an operation offers as part of the programming. Therefore, there is no need to update the rule because HHSC would not regulate water or swimming activities that occur outside of the child care program.

Comment: One commenter stated the language in the rule that says an operation must provide a PFD to a child could lead a parent to interpret that the operation, not the parent, is responsible for purchasing PFDs for a child in care. The commenter stated that if the operation is responsible for providing PFDs this would cause undue financial hardship for the provider.

Response: HHSC disagrees with the commenter and declines to revise the rule. The requirement that the operation provide a PFD is consistent with Texas Health and Safety Code §341.0646. In addition, the current rule already requires that an operation provide a child with a PFD. Therefore, the amended rule does not impose an additional requirement or cost on the operation. The Technical Assistance (TA) box that follows the rule in the minimum standards publication includes links to resources that provide PFDs at no cost. Additionally, the TA box includes clarification that the rule does not preclude a child's parent from giving the operation a PFD for the child to use if it meets the requirements in the rule.

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, Texas Human Resources Code (HRC) §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on December 1, 2025.

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TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 16. COMPTROLLER GRANT PROGRAMS

SUBCHAPTER E. EDUCATION SAVINGS ACCOUNT PROGRAM

34 TAC §§16.401 - 16.410

The Comptroller of Public Accounts adopts new §16.401, concerning definitions; §16.402, concerning certified educational assistance organizations; §16.403, concerning program participation; §16.404, concerning education service providers and vendors of educational products; §16.405, concerning suspension of program participation; §16.406, concerning approved education-related expenses; §16.407, concerning program administration; §16.408, concerning program participant, provider, and vendor autonomy; §16.409, concerning appeals; and §16.410, concerning notice, with changes to the proposed text as published in the August 22, 2025, issue of the *Texas Register* (50 TexReg 5430). The rules will be republished. The new rules will be located in Texas Administrative Code, Title 34, Part 1, Chapter 16, new Subchapter E (Education Savings Account Program).

These new sections address the standards for the new education savings account program created by Senate Bill 2, 89th Legislature, R.S., 2025.

Section 16.401 provides definitions.

Section 16.402 addresses certified educational assistance organizations.

Section 16.403 addresses program participation.

Section 16.404 addresses education service providers and vendors of educational products.

Section 16.405 addresses suspension of program participation.

Section 16.406 describes approved education-related expenses.

Section 16.407 addresses program administration.

Section 16.408 addresses program participant, provider, and vendor autonomy.

Section 16.409 addresses appeals of decisions made by the program.

Section 16.410 addresses required notices and service of notice.

The comptroller held a public hearing on September 30, 2025, regarding the adoption of §§16.401 - 16.410, pursuant to Government Code, §2001.029.

The comptroller received approximately 300 comments regarding adoption of the proposed rules.

Commenters who generally approve of the rules, but suggested changes include American Federation of Children ("AFC"); Association of Texas Professional Educators ("ATPE"); Outschoo! Inc. ("Outschoo!"); Texas Catholic Conference of Bishops ("TCCB"); Texas Conservative Coalition Research Institute ("TCCRI"); Texas Home School Coalition ("THSC"); Texas Private Schools Association ("TPSA"); Texas Public Policy Foundation ("TPPF"); and yes. every kid. foundation ("Every Kid").

Commenters who oppose the rules include Texas American Federation of Teachers ("AFT"), who strongly opposes the program but also suggested changes, and Every Texan who expressed general dissatisfaction with the rules, believing they fail to provide effective oversight of the program and that they do not contain adequate reporting mechanisms to understand how state dollars are spent. The comptroller also received approval and opposition to the program generally from multiple individuals.

The comptroller also received comments from the following organizations, interest groups, and individuals: Abraham's Seed Day Care ("Abraham's"); Allstars Learning Center ("Allstars"); Angels Care & Learning Center ("Angels Care"); The Arc of Texas ("Arc"); Ascension DePaul Services ("Ascension"); Association for Early Learning Leaders ("AELL"); At-Home Tutoring Services ("At-Home"); Atelier Prescolar ("Atelier"); Austin Montessori School ("AMC"); Autism Society of Texas ("Autism Society"); Bella Gardens Early Learning Center ("Bella Gardens"); Belton Education Station ("Belton"); Bright Beginnings; Bright Horizons; Cantera Montessori School ("Cantera"); Care Connect Solutions ("CCS"); CareerPath to Brilliance & Life Skills Coaching ("CareerPath"); Carson Academy of Kingdom Excellence ("CAKE"); Child Care Associates ("CCA"); Children at Risk; Children's Safari Private School ("Children's Safari"); Choose to Succeed ("CtS"); Cielito Lindo Spanish Immersion Preschool ("Cielito"); Classic Learning Initiatives ("CLI"); CollegeBoard; Colyandro Public Affairs ("Colyandro"); Creative Care Children's School ("Creative Care"); Creative Connections Children's Center ("CCCC"); Denton City County Day School ("DCCDS"); Developmental Childcare Center ("DCC"); Disability Rights Texas ("DRTx"); Dunkin Academy ("Dunkin"); Early Care and Education Consortium and, through a brief prepared on its behalf, Brownstein, Hyatt, Farber, Schreck, LLP ("ECEC"); Early Matters Great Austin and Early Matters Texas (together, "Early Matters"); Education Connection Preschool ("Education Connection"); Educational First Steps ("EFS"); EdTrust in Texas ("EdTrust"); El Paso Community Foundation ("EPCF"); Endless Discoveries Child Development Center ("Endless"); Extraordinary Education Family Learning Centers ("EEFLC"); Every Little Blessing Preschool ("Blessing"); Fractal Education Group ("Fractal"); FLIP Childcare & Learning Center ("FLIP"); Family Compass; First Day PR and Education Service Provider Coalition (together, "First Day"); Footprints Learning Academy ("Footprints"); Foundation for Excellence in Education ("ExcelinEd"); Future Scholars 24hr Childcare ("Future Scholars"); George W. Bush Policy Institute ("Bush Institute"); Good Reason Houston ("GRH"); Good Shepherd Temple of Praise ("GStop"); Grandparents for Public Schools ("Grandparents"); Happy Tree Child Development Center ("Happy Tree"); The

Heritage Foundation ("Heritage"); Hope Cottage ("Hope"); Intercultural Development Research Association ("IDRA"); International Kids Academy ("Kids Academy"); Interplay Learning Inc. ("Interplay"); June Shelton School & Evaluation Center ("Shelton"); Jupiter House Preschool ("Jupiter House"); KaiPod Learning ("KaiPod"); Kids Company Academy Learning Center ("Kids Co."); Kids Concepts; Kids R Kids of Cinco Ranch and Kids R Kids of Rosenberg (together, "Kids R Kids"); KidsPark; KinderCare Learning Companies ("KinderCare"); LakeCreek Montessori International School ("LakeCreek"); Learning Care Group ("LCG"); The Learning Experience and The Learning Center - Dallas (Frankford) (together, "TLE"); Liberty Learning Academy ("Liberty"); The Little School; Lumin Education ("Lumin"); Magnolia Preparatory Academy ("Magnolia"); Marion Childcare University ("Marion"); Mastercard; Maternal Health Equity Collaborative ("MHEC"); McGraw-Hill Inc. ("McGraw Hill"); Metrocrest Chamber of Commerce ("Metrocrest"); The Miles Foundation; Montessori Children's House and School ("MCHS"); Montessori Institute of North Texas ("MINT"); NAACP Legal Defense Fund ("LDF"); Neighborhood Preschools Network ("NPN"); The Nest Schools ("Nest"); Next Generation School ("Next Generation"); North Texas Early Education Alliance ("NTEEA"); Oak Creek Academy ("Oak Creek"); Open Door Preschool ("Open Door"); Our Schools Our Democracy ("OSOD"); Penn Foster Group ("Penn Foster"); Pines Montessori School ("Pines"); Post Oak School ("Post Oak"); PreK Today; Primer Microschools ("Primer"); Prince of Peace Catholic School ("Prince"); Q&A Preschools ("Q&A"); Rainbow Connection Learning Center ("Rainbow"); Ready Set Jump Childcare Learning Center ("Ready Set"); Representative Trent Ashby; Representative Brad Buckley; Respite Care of San Antonio ("Respite"); Robindell Private School ("Robindell"); The R.O.C.K. Early Learning Center ("ROCK"); Schenider Education & Employment Law ("Schneider"); Senator Brandon Creighton; Sharp Academy ("Sharp"); Southampton Montessori School ("Southampton"); Southern Education Foundation ("SEF"); Steady Steps Daycare ("Steady Steps"); Success by 6 Coalition- Austin/Travis County and Success by 6 Coalition - Williamson County (together, "SX6"); TechNet; Texas Association of Business ("TAB"); Texas Association of School Boards ("TASB"); Texas Council for Developmental Disabilities ("TCDD"); Texas Council of Administrators of Special Education ("TCASE"); Texas Licensed Child Care Association ("TLCCA"); Texas Parent to Parent ("TxP2P"); Texas Pediatric Society ("TPS"); Texas Public Charter Schools Association ("TPCSA"); Texas School Venture Fund ("TSVF"); Texas State Teachers Association ("TSTA"); Texas 2036; Trinity School of Midland ("Trinity"); United Way of Greater Austin and United Way of Metropolitan Dallas (together, "United Way"); Vogel Alcove ("Vogel"); White Rock Montessori ("White Rock"); Work Texas; Your Little Legacy ("Legacy"); 2T Childcare Corporation ("2T"); and three private prekindergarten providers that were not identified.

The comptroller received comments regarding the adoption of the proposed rules from Big Blue Marble Academy, Big Blue Marble Academy -- Allen, Big Blue Marble Academy -- Friendswood, Big Blue Marble Academy -- Katy, Big Blue Marble Academy -- McKinney, and Big Blue Marble Academy -- The Woodlands (collectively, "BBMA").

The comptroller received comments regarding the adoption of the proposed rules from Celebree School of Austin, Celebree School of Dallas Arts District, Celebree School of Harvest Green, Celebree School of Katy at Tamarron, Celebree School of Le-

ander at Crystal Falls, and Celebree School of The Woodlands (collectively, "Celebree").

The comptroller received comments regarding the adoption of the proposed rules from Children's Lighthouse of Katy -- WoodCreek Reserve, Children's Lighthouse of Keller -- Fort Worth, Children's Lighthouse of Montgomery -- Woodforest, Children's Lighthouse of Richmond -- Grand Mission, Children's Lighthouse of Sugar Land -- Imperial, and Children's Lighthouse of The Woodlands -- Creekside (collectively, "Children's Lighthouse").

The comptroller received comments regarding the adoption of the proposed rules from The Goddard School, The Goddard School of Allen, The Goddard School of Celina, The Goddard School of Champions, The Goddard School of Cinco Village Center, The Goddard School of Cypress, The Goddard School of Cypress (Bridgeland), The Goddard School of Dallas (Lake Highlands), The Goddard School of Friendswood, The Goddard School of Georgetown, The Goddard School of Haslet, The Goddard School of Justin, The Goddard School of Katy at Ranch Point, The Goddard School of Katy at Westridge Creek, The Goddard School of Lakeway, The Goddard School of League City, The Goddard School of Leander, The Goddard School of Pearland, The Goddard School of Pflugerville, The Goddard School of San Antonio, The Goddard School of Spring, The Goddard School of Sienna, and The Goddard School of Tomball (collectively, "Goddard").

The comptroller received comments regarding the adoption of the proposed rules from Ivy Kids Early Learning Center, Ivy Kids Hobbs, Ivy Kids of Barker Cypress, Ivy Kids of Cypress Creeks Lakes, and Ivy Kids of Marvel (collectively, "Ivy Kids").

The comptroller received comments regarding the adoption of the proposed rules from Kiddie Academy Educational Child Care, Kiddie Academy of Aliana, Kiddie Academy of Alliance, Kiddie Academy of Atascocita, Kiddie Academy of Bryan, Kiddie Academy of Canyon Springs, Kiddie Academy of Clear Lake, Kiddie Academy of College Station, Kiddie Academy of Cypress, Kiddie Academy of Cypresswood, Kiddie Academy of Firewheel, Kiddie Academy of Humble, Kiddie of Lakes of Savannah, Kiddie Academy of Magnolia, and Kiddie Academy of Woodforest (collectively, "Kiddie Academy").

The comptroller received comments regarding the adoption of the proposed rules from The Pillars Christian Learning Centers, The Pillars: Boerne Stage, and The Pillars: Mountain Peak (collectively, "Pillars").

The comptroller received comments regarding the adoption of the proposed rules from Primrose Schools, Primrose School at Balmoral, Primrose School at Cibolo Canyons, Primrose School at Crossroads Park, Primrose School at Fall Creek, Primrose School at the Galleria, Primrose School at Greenway Plaza, Primrose School at Lake Shore, Primrose School at Sonoma Ranch, Primrose School at Summerwood, Primrose School of Atascocita, Primrose School of Austin at Mueller, Primrose School of Barker-Cypress, Primrose School of Bee Cave, Primrose School of Bridgeland, Primrose School of Cedar Park West, Primrose School of Champions, Primrose School of Cinco Ranch, Primrose School of Clear Lake, Primrose School of College Station, Primrose School of Conroe, Primrose School of Copperfield, Primrose School of Cypress Springs, Primrose School of Eagle Springs, Primrose School of Easton Park, Primrose School of Eldridge Parkway, Primrose School of First Colony, Primrose School of Four Points, Primrose

School of Friendswood, Primrose School of Garden Oaks, Primrose School of Greatwood, Primrose School of Kelliwood, Primrose School of Kingwood, Primrose School of Kingwood at Oakhurst, Primrose School of League City at South Shore, Primrose School of League City at Victory Lakes, Primrose School of Midland, Primrose School of North Mason Creek, Primrose School of Pearland, Primrose School of Pearland Parkway, Primrose School of Round Rock at Forest Creek, Primrose School of Round Rock North, Primrose School of Sienna, Primrose School of Sugar Land, Primrose School of Tomball, Primrose School of Upper Kirby, Primrose School of Vista Ridge, Primrose School of West Cinco Ranch, Primrose School of Waterside Estates, Primrose School of West Lake Hills, Primrose School of West Pearland, and Primrose School of Westchase District (collectively, "Primrose").

While the comptroller does not list individual commenters by name, the comptroller thanks every individual commenter as well as every organization for the suggestions, information, and legal arguments. This office appreciates the time and resources devoted to drafting and submitting the written and oral comments. This assistance helped make the rules more effective.

CtS and Primer request the "campus" definition in proposed §16.401(4) be modified to make clear that a lease satisfies the requirement for "control" and that such control is required only during school hours. The comptroller believes that a school's lease of premises that are limited to school hours constitutes control sufficient to meet the definition's requirement for ownership or control. The comptroller therefore declines to make changes to the proposed rule.

Schneider requests expanding the "campus" definition in proposed §16.401(4) to include a virtual campus to enable wholly virtual private schools to qualify. Schneider states that the Texas Private School Accreditation Commission's ("TEPSAC") policies require online schools to have an established physical administrative location and to meet all accreditation standards for quality. Schneider cites the University of Texas at Austin's online high school and the Texas Tech University K-12 online school as examples of successful accredited online schools. First Day requests the "campus" definition clarify that private schools with multiple campuses do not need to qualify each campus individually. Primer requests removal of the "reasonably contiguous geographic area" requirement, arguing that it would prevent an approved private school from operating multiple campuses. Primer also suggests replacing the term "institution of learning" with "private school" for consistency. The comptroller agrees with these comments and implements the suggestions by adopting the "campus" definition and adopting §16.404 with changes, and addressing the location requirement separately by adding a "located in this state" definition.

Penn Foster requests the comptroller expand the "education service provider" definition to include out-of-state, online providers that qualify as private schools under proposed §16.404(c) and are accredited by the Distance Education Accrediting Commission ("DEAC"). The comptroller disagrees because the suggested change conflicts with the accreditation requirement in Education Code, §29.358(b)(2), and declines to change the rule in response to this comment.

DRTx requests that "licensed physician" be added to the "education service provider" definition because it is listed in the "educational therapies" definition. Because the rules are adopted with an updated "education service provider" definition, this ad-

dition is no longer needed. The comptroller declines to change the rule based on this comment.

TASB requests adding certified educational assistance organizations ("CEAOs") to the list of entities to which the "good standing" definition in proposed §16.401(10) applies. TASB cites 19 TAC §100.1017 as a suggested minimum standard. TASB also recommends that CEAOs adopt conflict of interest provisions that include prohibitions of close ties with entities that benefit from program funds and suggests enforcement by requiring a notarized disclosure form. The comptroller disagrees because CEAOs are subject to more detailed standards under the Education Code and their contract with the state. Therefore, the comptroller declines to change the rule based on this comment.

Interplay requests "industry-based credential" definition be expanded to include employer-adopted educational programs including pre-apprenticeships, apprenticeships and related technical instruction and argues that employer-endorsed training ensures timely recognition of credentials with demonstrated labor-market value as opposed to the five-year industry-based credential cycle. Every Kid and First Day request the definition include credentials recognized by certifying bodies other than the Texas Education Agency ("TEA"). Every Kid also noted that TEA's industry-based credential list may lag behind emerging, in-demand certifications. These suggested changes conflict with Education Code, §29.359(a)(1)(D) which explicitly requires the training program be approved by TEA. Some programs, however, may qualify if they meet the requirements for a vendor of an online educational course or program. The comptroller declines to change the rule in response to this comment.

Every Kid, First Day, Outschool, the Miles Foundation, and TC-CRI request the comptroller remove the for-credit requirement from the "online educational course" definition to allow online courses for supplemental education, such as math or reading support, or electives that are not offered for credit. The comptroller agrees and adopts the "online educational course or program" definition without the for-credit requirement.

TASB requests limiting the "online educational course" definition to synchronous instruction only. TASB states that Senate Bill 569, 89th Legislature, R.S., 2025 defines "virtual course" as expressly including synchronous and asynchronous delivery and argues that Senate Bill 2's failure to define online educational courses to include asynchronous delivery means asynchronous delivery is not allowed. The comptroller notes that Senate Bill 2 did not include an online educational course definition and is silent on synchronous and asynchronous delivery. The legislature's inclusion of details addressing synchronous and asynchronous virtual instruction in Senate Bill 569 demonstrates the legislature can add such provisions but chose to omit them in Senate Bill 2. The comptroller declines to change the rule based on this comment.

Several individuals commented on the "total annual income" definition in proposed §16.401(22). One individual suggests changing the definition to specifically address self-employed individuals because self-employment tax and self-employed health insurance are deducted after calculating "total income." For other households, the equivalent expenses are excluded from the term "total income." Another individual encourages using adjusted gross income ("AGI") to measure "total annual income" because it allows deductions like retirement contributions and student loan interest, because other programs, such as the Free Application for Federal Student Aid, use AGI, and it is already calculated on every return. Another individual

requests clarifying the definition to include asset-based means testing to prevent high-net-worth families qualifying solely due to a lack of taxable income. The comptroller agrees that self-employed individuals should be treated equitably with others and that the use of AGI, rather than "total income," accomplishes this intent. The comptroller appreciates commenters' desire to protect program resources but the statute does not authorize an asset-based means test. Therefore, the comptroller adopts the "total annual income" definition with changes to use AGI, but declines to impose an asset-based means test.

Several commenters addressed the "tuition and fees" definition. Every Kid, ExcelinEd, First Day, and the Miles Foundation state the definition is too restrictive and request that it cover all mandatory fees and to specifically list technology fees. TASB requests that the definition state whether late fees, penalties, or parent contributions in lieu of volunteer hours are included to ensure consistent application across schools. Trinity requests the rule clarify whether mandatory tuition refund insurance is included. The comptroller agrees that a private school's technology fee meets the definition, but under the Code Construction Act, adding "but not limited to" after "including" is unnecessary. The comptroller agrees the definition may be too restrictive and adds course specific fees because not every private school student participates in the school's band or sports teams. But because the program cannot pay fees that are not educational expenses, such as tuition refund insurance, the comptroller adopts a "tuition and fees" definition that excludes non-education related expenses.

McGraw Hill suggests adding an "instructional materials" definition to proposed §16.401 that clarifies which products and services are eligible educational expenses, specifically regarding digital products. The comptroller agrees that clarifying that digital materials qualify as approved education-related expenses would provide certainty to program participants and adopts §16.401 with an "instructional materials" definition to clarify the scope of the term, renumbering subsequent paragraphs as necessary.

TASB suggests adding a "public school" definition to proposed §16.401 so that the term always includes open-enrollment charter schools consistently throughout the rules. The comptroller declines to change the rule based on this comment because the term is used appropriately in each context.

TASB also suggests adding a "teaching service" definition to proposed §16.401 to clarify which types of programs qualify, such as private music instruction and sports leagues not affiliated with an approved private school. A definition is unnecessary because proposed §16.404 establishes parameters by specifying the requirements a teaching service employee must meet. The comptroller declines to revise the rule based on this comment.

In the context of §16.402, several commenters request that the rules restrict foreign participation in the program. Rep. Ashby requests that all administrative, customer service, and technical support functions be conducted exclusively within the United States, all data centers used to store, process, or transmit Texas taxpayer information be located within the United States, all full-time personnel directly responsible for executing the program be U.S.-based and perform their duties within the United States, and that CEOs not hold, or have ever held, financial interests, investments, or ownership ties with hostile nations identified by the U.S. government or the state of Texas. TAB and TechNet suggest avoiding regulations that would require data centers to be located within the United States or that would prohibit foreign ownership or investment in CEOs, stating such regula-

tions would be outside the scope of the legislation, can be difficult to track, and would strain U.S. based companies seeking to be a CEO. TAB and TechNet suggest existing procurement processes address these issues. The comptroller notes that in addition to requirements under proposed §16.402, the CEO is contractually required to ensure the program's data as well as point of access to the program's data remain located within the continental United States. Comptroller contract procedures include checking the prohibited vendors list authorized by Executive Order No. 13224 and checking the United States Department of Commerce's foreign adversaries list and other databases described in Governor Abbott's Hardening of State Government executive order. The recently signed contract also requires the CEO to certify that neither it, nor its holding companies or subsidiaries are listed in the databases described in Governor Abbott's order. The comptroller agrees with Rep. Ashby on the importance of these precautions and believes the contractual protections reflect current best practices, making changes to the rule unnecessary.

IDRA asks that a CEO comply with federal and state privacy and confidentiality laws, including the Family Educational Rights and Privacy Act, given the sensitive nature of participant information that will be received, particularly regarding documents establishing that a child is lawfully present in the United States. One individual requests that the proposed rules clarify how student privacy and financial data will be protected under the Texas Public Information Act. Education Code, §29.369 addresses these issues and mandates the confidentiality of student records, and Education Code, §29.369(d), which provides that student records "held by the comptroller or a CEO {are} confidential and not subject to disclosure under Chapter 552, Government Code." In addition, Education Code, §29.369(b) prohibits a CEO from retaining certain student records longer than necessary to validate eligibility and Education Code, §29.371(b)(2) requires compliance with federal laws regarding the confidentiality of student records. Therefore, the comptroller declines to change the rule based on this comment.

TSTA suggests that §16.402 should specify details for determining the cost of providing CEO services to prevent inflated costs. The comptroller notes that the rule proposal does not cover the subject of CEO compensation, and the contract sufficiently covers this issue. Therefore, the comptroller declines to change the rule based on this comment.

Every Kid requests that proposed §16.402(b) be amended by inserting "designated" before "certified educational assistance organization." The comptroller declines to make this change because it is not necessary in this context.

Every Kid also requests that §16.402 explicitly prohibit the comptroller from certifying only one educational assistance organization unless no other qualified applicants exist. This conflicts with Education Code, §29.354(d) that permits the comptroller to certify not more than five educational assistance organizations. The comptroller therefore declines to change the rule based on this comment.

Every Kid suggests the rules require CEOs to have continuity-of-operations plans for staffing shortages, cyber incidents, and disaster response. They suggest requiring CEOs to submit monthly summaries of prioritization decisions and face corrective action for errors. The comptroller believes these matters are best addressed in the organization's contract and declines to change the rule based on this comment.

The comptroller received several comments regarding the governance of CEOOs in proposed §16.402. Every Texan, Grandparents, and two individual commenters requested that CEOOs be subject to the same governance and oversight rules as a state agency with explicit guidance to comply with Government Code, Title 10, Subtitle F (State and Local Contracts and Fund Management). Grandparents points to "corrupt practices and poor outcomes" experienced by other states in implementing similar programs and suggests that CEOOs, the board members, and their employees be prohibited from having close ties to organizations that would directly benefit from the program. One individual commenter further asks that program funds be kept in separate fiduciary accounts and that CEOOs post collateral equal to or exceeding the balance of program funds being held. The other individual commenter asks that program funds be placed in segregated fiduciary accounts at qualified banks, backed by collateral equal to or exceeding the balance of program funds being held, and subject to monthly CEOO reporting, fund reconciliations, and independent audits. The commenter believes these protections are necessary to avoid potential CEOO insolvency, diversion of funds, or outright fraud. Because these comments are outside the scope of the proposed rules and the concerns are sufficiently addressed by statute and contract, no changes are made in response to these comments.

TASB commented on the cybersecurity requirements for CEOOs in proposed §16.402(a)(4). TASB noted that, while Education Code, §29.354(c) directs the comptroller to establish such requirements consistent with Government Code, §2054.5181, House Bill 150, 89th Legislature, R.S., 2025, amended this section of the code, transferring existing powers and duties related to cybersecurity from the Texas Department of Information Resources to the newly created Texas Cyber Command, and redesignated pertinent sections to Government Code, Chapter 2063. TASB recommends clarifying that the cybersecurity requirements will align with the best practices and guidance established by the Texas Cyber Command and specifying the consequences if a CEOO experiences a data breach or other cybersecurity incident and is found not to have followed these requirements. The comptroller notes that under the Code Construction Act, a reference to any part of a statute applies to all reenactments, revisions, or amendments of the statute unless expressly provided otherwise, and notes the contract covers consequences for noncompliance. The comptroller agrees to update the statutory reference in §16.402(a)(4), and to avoid needing future rule amendments to update the statutory reference, it will generally reference best practices developed under state law.

TASB also suggested that even though §16.402 broadly requires the CEOO to comply with statutory program requirements, the public should have details on the process for verifying that accounts are only used for approved education-related expenses. Because of the protections that §16.402 and the CEOO's contract provide, the comptroller declines to revise the rule based on this comment.

Two individual commenters suggested that proposed §16.403(a)(1) and (2) be clarified that they apply to the year in which the child would use program funds rather than the child's current situation at the time they apply. The comptroller agrees that these eligibility criteria refer to the school year in which the child would be enrolled in the program and adopts §16.403(a) with this change.

Four individual commenters requested that early-college residential high school students, such as those enrolled in the Texas Academy of Mathematics and Science at the University of North Texas ("TAMS"), be eligible to receive program funds. They argue TAMS' exceptional students are unfairly excluded and state education savings account programs in other states allow for "early-college or dual-enrollment students." Adding TAMS and TAMS students to the program would conflict with program statutory requirements. Unlike Senate Bill 2 requirements for private schools, Senate Bill 2 does not require a higher education provider to administer annual assessments and does not require participants enrolled only with a higher education provider to share assessment results with the CEOO. The comptroller notes that while Education Code, §105.301 provides Foundation School Program ("FSP") allotments for each TAMS student, the enabling statute for the program does not address this unique scenario by explicitly prohibiting FSP funding overlap with higher education providers as it does for public schools and open-enrollment charter schools. The Fiscal Note for Senate Bill 2 likewise did not contemplate this scenario, assuming public school students who enroll in the program would attend private school and generate FSP savings. While TAMS is an innovative and valuable program, the statute does not authorize program accounts for TAMS students and the comptroller declines to change the rule based on these comments.

First Day and Every Kid suggest amending proposed §16.403(b) by changing "the" designated CEOO to "a" designated CEOO, which would mirror Education Code, §29.355(d) and avoid limiting the program to a single CEOO. In the context of §16.403(b), "the" designated CEOO is the appropriate term because if there are multiple CEOOs, designated refers to the CEOO the applicant chooses, and thus the comptroller declines to change the rule based on this comment.

ExcelinEd, Every Kid, First Day, and the Miles Foundation suggest revising §16.403(b) to permit a child's eligibility to be verified through either parent submissions or electronic data sources. The comptroller agrees that electronic verification using existing databases expedites the approval process and increases the reliability of such information and adopts the rule to confirm electronic verification may substitute for parent submission of documentation of a child's eligibility.

An individual commenter complained that only legal experts and well-educated families will be able to complete the application and provide necessary documents. The comptroller appreciates the importance of clear, easy to understand guidance during all phases of participation, including the application process, but makes no changes to the rule in response to this comment.

IDRA and many individuals suggest that §16.403(b)(1) be revised to list the acceptable documents to prove lawful admission, stating that families need clear guidance and, from one commenter, that lawful admission is a wide range of different types of scenarios. Commenters argue that without this, eligible children could be unfairly excluded. The comptroller notes that §16.403(b)(1) provides a list that is not exhaustive and does not preclude the submission of other documents. However, the comptroller adopts the rule with changes to add additional documents the program may accept.

The comptroller received several comments regarding the documents that could be submitted to prove total annual income under proposed §16.403(b)(3). TASB suggests listing what will be accepted, such as recent pay stubs or an affidavit when tax returns are unavailable, rather than leaving it open to someone

else's interpretation of acceptable proof. One individual suggested using 2024 W-2 forms to verify total annual income for the 2026-27 school year. First Day suggests permitting the use of a comptroller-authorized third-party income verification platform or other documents to prove total annual income, citing problems with Utah's program where income has changed significantly since the last tax return. The comptroller notes §16.403(b)(3) suggests an Internal Revenue Service federal tax return transcript as an example of a document acceptable to prove total annual income but does not preclude the submission of other documents as approved by the comptroller. The comptroller agrees that alternative documents or data will be required for families who have not filed federal tax returns and notes that estimates will be required to compare the equivalent of AGI. The comptroller adopts §16.403(b) to clarify authority to use electronic verification and to provide additional examples of data or documentation the program may use to determine and verify income, and makes conforming changes to the "total annual income" definition.

TASB recommends revising proposed §16.403(b)(4)(C) to prohibit the resale of items purchased with program funds at least for the entire period a participant is in the program, for consistency with Senate Bill 2. The comptroller agrees. TASB also suggests clarifying the consequences of a violation. The consequences are described in proposed §16.405. The comptroller therefore adopts the rule with changes based on this comment to align with the statute, but declines to change the rule to address the consequences of selling items separately from other types of violations.

TCCB and TPSA commented on proposed §16.403(b)(4)(D). These commenters state that the proposed rule places an additional requirement on private schools beyond the requirements of Education Code, §29.357(2) because it permits a parent to instruct a private school to release the results of a child's assessment instrument to a CEO. The comptroller agrees and revises the rule based on this comment to be consistent with the statutory options.

TCCB and TPSA also suggest that the reference to "accommodations and exemptions provided under Education Code, Chapter 39, Subchapter B" in proposed §16.403(b)(4)(D) be clarified to apply to a private school only if the school decides to use state of Texas mandated testing on special needs students and be clarified to not require private schools to offer additional accommodation to all special needs students. While Education Code, §29.358(b)(2)(B) requires private schools to administer an assessment instrument, the comptroller agrees that the statute does not require a private school to provide accommodations for a child with a disability and that Education Code, §29.368 prohibits the state from requiring the provision of such accommodations. The comptroller adopts §16.403(b)(4)(D) with revisions to reference the statutory assessment requirement generally and remove unnecessary text that will, to the extent applicable, be incorporated by the reference.

TASB recommends revising proposed §16.403(b)(4)(D) to clarify the process CEOs must use to confirm compliance with the requirement to administer an annual assessment instrument, including where assessments may be administered, the deadlines for both administering the test and submitting results, whether at-home testing is permitted by virtual schools and, if so, what safeguards will be required. TASB also suggests rules that specify enforcement mechanisms for noncompliance. The CEO's responsibility for obtaining documents necessary to establish a

child's eligibility to participate in the program is addressed in the CEO's contract, and enforcement of participant noncompliance is addressed in §16.405. Further, §16.403(b)(4) requires that a participating parent submit assessment results under "an agreement and certification under penalty of perjury." Therefore, the comptroller declines to change the rule based on this comment.

TASB suggests adding a comma after the word "provider" to clarify the following passage in proposed §16.403(b)(4)(D): "for a participating child in grades 3 through 12 enrolled in a private school that is an approved education service provider, and subject to the accommodations and exemptions under Education Code, Chapter 39, Subchapter B..." Based on another comment, the comptroller revises §16.403(b)(4)(D), rendering this change unnecessary.

TASB also suggests that §16.403(b)(4)(D) be revised to require that, beginning with the 2027-2028 school year, participants enrolled in private school take one of the Texas Education Agency's approved norm-referenced assessments provided by House Bill 8, 89th Legislature, 2d C.S., 2025, if the children do not take the state assessment instrument. TASB states this will promote fairness and consistency and will be a more reliable and comparable measure across student populations. This suggestion conflicts with Education Code, §29.358(b)(2)(B), which authorizes private schools to administer either "a nationally norm-referenced assessment instrument or the appropriate assessment instrument required under Subchapter B, Chapter 39." The comptroller declines to change the rule based on this comment.

The comptroller received several comments regarding the proof necessary for a child to be considered a "child with a disability" for prioritization under Education Code, §29.356 and proposed §16.403(b)(5). Autism Society, DRTx, and TCDD agree with the "child with a disability" definition in proposed §16.401(6), but do not believe the term is used consistently in the context of prioritization and throughout the rules. For example, TCDD notes that while they agree with the "child with a disability" definition, appreciating that the definition in Senate Bill 2 mirrors both federal law (Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1401(3)) and state law (Education Code, §29.003), they state that nothing in the statute authorizing the program provides a separate "child with a disability" definition for prioritization purposes. Consequently, TCDD, and the other commenters, request the elimination of alternative evidence of eligibility. Arc, Autism Society, DRTx, TCASE, TCDD, TPS, and TxP2P disagree with allowing medical or social security documentation to determine eligibility for children with a disability when prioritizing applicants for available positions. They explain that a medical disability diagnosis is not equivalent to a school's special education eligibility determination and state that the proposed rule conflicts with 19 TAC §89.1040, which establishes the eligibility criteria. They further argue that an Admission, Review, and Dismissal committee ("ARD") determination granting an individualized education program ("IEP") is a definitional component of "children with a disability" under state law. They argue the rule conflicts with the Education Code definition, will create confusion, inequities, and unintended competition with students with IEPs. They believe this will effectively reduce resources available for students who need special education resources. TCASE argues the proposed rule uses different standards for prioritization and for funding calculations which could confuse parents who meet one but not the other. TPS also disagrees with the diagnosis terminology, indicating that the terms are overbroad, and risk being misapplied. TxP2P provided examples of the disconnects that can occur: the commenter has quadriplegia, a phys-

ical disability, but would require a diagnosis of "orthopedic impairment" to receive the actual services necessary to address her needs; children with multiple handicaps, such as deaf-blind students, would either be labeled as deaf or blind under the standards the proposed rule allows, impacting their ability to participate in the program; a child without a disability has a friendly doctor prescribe shoe inserts that result in the student being fraudulently prioritized. Prince states concern with accepting letters from licensed physicians based on experience with some doctors being "very liberal" when diagnosing learning disabilities. An individual commenter disagreed with the licensed physician requirement as an unnecessary step because many learning disabilities, including her child's dyslexia, are diagnosed by educational diagnosticians. A former Fort Bend school board member commented that in recent years, several school districts were under review for systemic non-compliance with special education regulations, including Fort Bend ISD that, at the time, had over 2,000 students with delinquent evaluations and reevaluations. Arc, Autism Society, DRTx, TCASE, TCDD, TPS, and TxP2P suggest the rule should require an IEP to prioritize an applicant as a child with a disability. TCDD also believes that reliance on documentation other than an IEP could dilute the limited number of program spots available and misallocate priority because not having a single, consistent standard could allow children without a disability receiving priority in any lottery that takes place. TPS believes asking pediatricians to provide disability diagnoses places an unfair burden on general practitioners who lack the expertise to fully evaluate the educational impacts of a disability; tying financial stakes to such determinations could escalate parental pressure, strain clinical interactions, and erode the trust in the physician-family relationship. Another likely result would be referrals to developmental pediatricians, child psychiatrists, and other specialists who are already an extremely scarce resource in Texas. Sharp disagrees with the IEP requirement, and states the rules should accept an official diagnostic evaluation report from someone qualified to conduct an independent educational evaluation under 34. C.F.R. §300.502 (IDEA), both for prioritization and for additional funding. Sharp notes that many private school students do not have an IEP, but have an official diagnostic evaluation report "administered by trained personnel and in conformance with the instructions provided by the producer of the evaluation materials" from a private evaluation center such as the Scottish Rite Centers. In fact, Sharp states, public schools must consider evaluations from a private provider in developing an IEP for a child with a disability. Parents of private school students, Sharp argues, should not be forced to become dependent on the public school system for any reason to apply for education savings accounts ("ESAs"). Furthermore, Sharp argues that the time necessary to obtain an IEP from a public school, at least for the first year of program operations, is extremely tight and many applicants may not be able to secure an IEP in the time remaining before the application period begins. Sharp notes that an IEP is not required to secure accommodations for the ACT, SAT, MCAT, LSAT, Medical Board Exam, Bar Exam, EMT Certification, trade schools, and universities. TCBB and TPSA state that most special needs evaluations are done by educational diagnosticians or psychologists and provides a list of specific types of professionals. TCBB and TSTA agree with the rule's allowance of any IEP from a district, including older IEPs, for prioritization, noting the open time frame is helpful because school districts will see an increase in evaluation requests this fall. AFC, Oak Creek, and TPPF requested the acceptance of IEPs issued by school districts in other states in the context of funding as discussed below. The comptroller ap-

preciates these comments and insights and agrees the rule can better align with state and federal guidance in its requirements to prove eligibility for prioritization. The comptroller disagrees that an IEP is required to meet the statutory definition of child with a disability. Education Code, §29.003(b) provides that a student is eligible for special education if the student has certain impairments or disabilities that cause the child to need special education. While Education Code, §29.3615 requires school districts to evaluate students and develop IEPs for the purpose of participation in the program and Education Code, §29.361 requires an IEP for any increase in funding for participants, the application process is distinct from participation. Education Code, §29.356 does not require an IEP for application prioritization, and Education Code, §29.3615 does not state the application process is a purpose of an IEP requested under that section. The rule will not require an IEP for prioritization. The comptroller agrees with the suggestion to reference a regulation that will incorporate the types of people qualified to evaluate students under IDEA. The comptroller believes a reference to 19 TAC §89.1040 best aligns the rule with state and federal law that addresses eligibility for special education. In response to these comments, the comptroller adopts §16.403(b)(5) with changes to reference 19 TAC §89.1040 and requires submission of evidence in a comptroller-prescribed format that is signed by one or more licensed professionals qualified to attest the child meets the applicable definition. Because a Full and Individual and Initial Evaluation ("FIIIE") prepared through a public school in compliance with 19 TAC §89.1040 is prepared by the appropriate licensed professionals, including educational diagnosticians, and because an IEP issued by an out of state school district is prepared by the appropriate licensed professionals using appropriate eligibility criteria under IDEA, §16.403(b)(5) will also allow, for prioritization purposes, submission or verification of an FIIIE if it determines the child meets the applicable definition, or submission and verification of an out of state IEP.

Prince suggests that if the rule allows a licensed physician's written diagnosis as proof of disability, §16.403 should include a cap on the percentage of program funds that can be spent on children with a disability whose household's total annual income is at or below 500% of the federal poverty guidelines. This change would conflict with Education Code, §29.356, and the comptroller declines to change the rule based on this comment.

Every Kid, ExcelinEd, and First Day suggest that proposed §16.403(c) be revised to clarify that returning participants in the program need not reapply and that continued participation only requires a notice of intent. One individual commenter suggests that participants should be required to reapply each year to reverify eligibility, ensuring children with the greatest need are truly prioritized and later applicants with more need are not excluded from the program because they did not "win the lottery." The comptroller agrees with commenters who state the statute prohibits requiring a program participant in good standing to resubmit an application for continued participation in the program, but notes the program may require a participating parent to submit annual notice regarding the parent's intent to continue participating in the program. For program efficiency and to the extent needed, the program may use the notice of intent process to also confirm good standing but the program will not require new applications. The comptroller adopts the rule with clarification that reapplication will not be required.

TASB suggests that §16.403 be clarified to provide how the comptroller will verify disability and income status for children who have never been in public school because the Texas

Education Agency will not have records to verify disability or income status and suggests clarifying how determinations will be made and provides an example of requiring information from parents or the CEO. The comptroller notes that proposed §16.403(b)(3) and (5) describe the types of information required, and that information may supplement the Texas Education Agency's information. Further, students who have never attended public school may obtain an IEP, including evaluations for students under five years of age. The comptroller declines to change the rule based on this comment.

The comptroller received several comments requesting that the prioritization categories described in proposed §16.403(e), adopted as §16.403(f), be revised. One individual suggests that a family of six should have a higher salary cutoff than a family with fewer children. The comptroller notes that the federal poverty guidelines account for the size of a family. Several individual commenters request that the program be expanded to include all families, regardless of income level. Two individual commenters suggest dividing the category described in §16.403(f)(2)(D) between children with disabilities and children without disabilities so that higher priority can be given to families in this income range that have children with disabilities. One individual suggests that prioritization be given to gifted children. TxP2P asks that prioritization for private school students, children with disabilities, and homeschooled students be further delineated to protect against overlap and ensure integrity in the process. These suggestions to change the lottery conflict with Education Code, §29.356(b), which sets the prioritization categories and does not authorize the comptroller to deviate from those categories as commenters request. Therefore, the comptroller declines to revise the rule based on these comments.

One individual suggested proposed §16.403 be revised to expand the 20% funding cap currently allotted to families with a total annual income above 500% of the federal poverty guidelines or to add a sliding scale to make some level of support accessible to more families. This suggestion conflicts with Education Code, §29.3521(d), which requires that program funds spent on this category of participants, described in Education Code, §29.356(b)(2)(D), not exceed 20% of the money appropriated from the program fund for that school year. Therefore, the comptroller declines to change the rule based on this comment.

The comptroller received several comments regarding the waitlist referenced in §16.403(g). AFC, Every Kid, ExcelinEd, First Day, TPPF, and TCCR suggest that waitlisted children be permitted to remain on the waitlist without re-applying each year. First Day argues the requirement has a chilling effect for waitlist families. TPPF and AFC argue that reapplying annually will unduly burden parents, especially low-income and special-needs families. TPPF and AFC state families should not lose their place in line because it is unfair and creates uncertainty, and argues resetting the waiting list annually will discourage families from reapplying, understate true interest in the program, and weaken the case for increased appropriations by reducing the legislative appropriation request under Education Code, §29.3521(a). They argue that requiring new applications every year for waitlisted applicants puts an undue burden on families and program management. TPPF and AFC also ask that parents be notified of their placement on the waiting list. Education Code, §29.356(b) does not differentiate between new applicants and children on the waiting list. The waiting list cannot place lower tiered waitlisted applicants above higher tiered new applicants. And within

each tier, prioritizing waitlisted applications over new applications would disadvantage younger applicants who were not yet eligible to apply in earlier years. Therefore, all children not previously admitted for participation in the program, including children on the waiting list, must be evaluated to determine continued qualification for the program and the proper prioritization category. The comptroller understands, however, that a waitlisted child will have already submitted information that has not changed. The comptroller adopts §16.403(g) with changes to allow that a waitlisted child may update or supplement their existing application, rather than beginning the process anew.

Every Kid and First Day suggest giving a clear deadline, such as 30 calendar days, to children admitted from the waiting list under §16.403(g), by which they must accept admission to the program or forfeit admission. First Day explains that timeframes motivate movement and ensure funds aren't caught in limbo. Every Kid argues the lack of a deadline will delay the opportunity for other children to participate. The comptroller agrees that a deadline to accept admission to the program, whether from the waiting list or not, benefits the program but without a year of experience, declines to predict appropriate time periods. The comptroller adopts the rule with changes to allow but not prescribe a waiting list response deadline.

TASB suggests revising proposed §16.403 to state whether multiple withdrawals will impact future eligibility and to add limitations on repeated entries and exits from the program. These suggestions conflict with Education Code, §29.356(b)(1)(C), which places such students at the bottom of the prioritization hierarchy. Therefore, the comptroller declines to change the rule based on this comment.

Every Kid suggests that proposed §16.404 be revised to explicitly prohibit subjective review of the educational quality of content purchased with program funds. Education Code, §29.368 provides for the autonomy of program participants, providers, and vendors. The comptroller notes that the proposed rule adequately addresses the issue of autonomy consistent with the statutory requirements and declines to change the rule based on this comment.

One individual requests the explicit inclusion of a licensed specialist in school psychology ("LSSPs") as approved education service providers by adding LSSPs to the list of approved providers under §16.401(8) and §16.404(i). The commenter explains that 22 TAC §465.38 prohibits LSSPs from providing any psychological services in any context or capacity outside of a public or private school, and provides background information about the LSSP license. Education Code, §29.358 provides the list of providers and vendors the legislature deemed eligible to participate in the program. While an LSSP may meet the requirements for a therapist under Education Code, §29.358, the statute does not grant authority for the program to negate 22 TAC §465.38. The comptroller declines to change the rule in response to this comment.

This individual commenter also suggests that the comptroller should coordinate with the Texas Behavioral Health Executive Council to address the current restriction in 22 TAC §465.38 that prevents LSSPs from providing services outside traditional school settings. This comment is outside the scope of the proposed rules, and thus the comptroller declines to make changes based on this comment.

CtS and Primer recommend revising the approval process described in proposed §16.404 to permit providers who do not yet

meet statutory requirements to fully participate in the program pending final approval, so long as they are acting in good faith and pursuing approval in accordance with the law. The commenters contend that the comptroller may not require a private school to achieve accreditation, administer qualifying assessments, and continuously operate a campus for two school years in order to attain preapproval and participate in the program. The Miles Foundation suggests changing §16.407(f)(2) to recognize a distinction between approval and preapproval, stating it will enable less affluent families to choose from a broader range of school options. CtS suggests the program preapprove schools that show candidacy for accreditation because schools focused on low income students cannot open new Texas campuses and rely on parent-paid tuition prior to participation in the program. These suggestions conflict with Education Code, §29.358. The statute does not define approved or preapproved. We interpret the terms to be interchangeable in most contexts because our interpretation must be the one that is "most consistent with the context of the statutory scheme." *Sw. Royalties, Inc. v. Hegar*, 500 S.W.3d 400, 405 (Tex. 2016). Throughout Education Code, Chapter 29, Subchapter J, the legislature grants authority related to preapproved education service providers and preapproved vendors of educational products or services and does not separately provide similar authority for approved providers and vendors. For example, Education Code, §29.359(a) authorizes parents to initiate payments to preapproved providers and vendors, but does not authorize payments to approved providers and vendors. And interpreting approved and preapproved to have different meanings would cause the second sentence of Education Code, §29.358(d) to prevent any entity from being in an *approved* category. Thus, under Education Code, §29.358(b)(2), the comptroller may not approve a private school if the school fails to demonstrate accreditation, annual administration of an assessment instrument, and continuous operation of a campus for at least two school years. Because the comptroller does not have discretion to deviate from the statutory requirements for accepting private schools into the program, the comptroller declines to make changes based on these comments.

TCCB and TPSA request that proposed §16.404(a)(1) be revised, consistent with Education Code, §29.358(c), to provide that private schools need only to be located within the state rather than registered to do business in the state. The comptroller agrees that only vendors of educational products must be registered to do business within the state and adopts the rule with revisions to clarify that education service providers be located in the state and vendors be registered to do business.

TCCB and TPSA also request that §16.404(a)(4)(B) be revised because schools may have different standard tuition amounts for categories of students for reasons other than participation in this program, such as grade levels. They suggest the rule should recognize that schools can have different standard tuition amounts for categories of students other than ESA students. The comptroller agrees and adopts the rule with new subsection (b) to clarify that this practice is allowed if unrelated to program participation, and re-letters the remaining subsections.

First Day, TCCB, and TPSA suggest that §16.404(a)(4)(C) be revised to permit a private school to charge tuition for the full year if the child leaves the school early and permit private schools to enforce private contracts for private payments in accordance with their established admission policies. The comptroller agrees that private contracts between a former student and a private school are outside the scope of Senate Bill 2 and therefore adopts the rule clarifying that it applies only to the receipt of program funds.

One individual commenter suggests that the comptroller should have claw back authority under proposed §16.404 if private schools are not using program funds for student academics or directly related services to support the student. The comptroller appreciates and shares the concerns to safeguard program funds but believes that existing provisions provide those safeguards. As implemented by proposed §16.405, Education Code, §29.3585(a)(2) authorizes the comptroller to suspend an education service provider that fails to remain in good standing by non-compliance with a program requirement, and Education Code, §29.3585(c)(3) authorizes the comptroller to direct a suspended provider to take corrective action to comply with program requirements. Because these provisions address the misuse of program funds, the comptroller declines to change the rule based on this comment.

The comptroller received a comment regarding §16.404(a)(4)(F), which requires education service providers and vendors of educational products to prevent interactions between children and "any individual who is required to be discharged or refused to be hired by a school district under Education Code, §22.085, included in the registry under Education Code, §22.092, or has engaged in misconduct described by Education Code, §22.093(c)(1)." TCCB and TPSA suggest that §16.404(a)(4)(F) be revised to either limit provider responsibility to preventing the listed categories of individuals from interacting with any participating child while on campus or at school sponsored activities because schools cannot control how people interact with a participating child when at home, church, or elsewhere, or to simply prevent schools from employing the listed categories of individuals. The comptroller notes that these statutory references were renumbered and amended by Senate Bill 571, 89th Legislature, R.S., 2025 and, under the Code Construction Act, a reference to any part of a statute applies to all reenactments, revisions or amendments of the statute unless expressly provided otherwise. To avoid confusion, the comptroller adopts the rule using the statutory language and clarifying it applies to interaction by reason of employment, and removing text that applies specifically to tutors, therapists, and teaching service employees.

TCCB and TPSA also suggest adding a "program transaction" definition to §16.404(a)(4)(G), which requires education service providers and vendors of educational products to comply with the audit requirements of Education Code, §29.363 by providing to a private entity under contract with the comptroller or to the state auditor information or documentation related to a program transaction. The commenters request that a definition of "program transaction" should exclude a school's financial aid program awards and any other non-program transactions from the auditing process. The commenters suggest defining "program transaction" to include only a transaction paid by a program account and exclude any private non-program payment. The comptroller appreciates the commenters' desire to limit program audits to program-related information, but the comptroller believes that the term "program transaction" necessarily excludes any non-program transactions. Therefore, the comptroller declines to change the rule based on this comment.

TSTA suggests revising proposed §16.404 to require in-state presence for approved providers, specifically clarifying the eligibility of out-of-state virtual providers and charter operators because state law requires charter schools be non-profit. TSTA is concerned that out of state for-profit charter operators could qualify to provide virtual educational services through the program. TSTA also suggested the rules include requirements

for physical presence and employment of personnel located in Texas. The comptroller agrees that Education Code, §29.358(c) requires education service providers to be located in the state, and requires vendors of educational products and services to be registered to do business in this state. The comptroller adopts the rule with revisions to clarify that vendors be registered to do business in this state, and to require a physical presence in the state for education service providers.

The comptroller received many comments on the qualification requirements for private schools under §16.404(d) and regarding the rules generally. IDRA, LDF, TSTA, SEF, and many other commenters request the comptroller add rules that include federal and state education, non-discrimination, and equal opportunity protections for participants, including rules that prohibit discrimination based on race, ethnicity, socioeconomic status, religious beliefs, language, special education needs, or disability status. SEF's suggestion includes requiring private schools to provide special education services. LDF further requests the addition of rules that sanction violations and rules that remind private schools that hair discrimination is not permitted. Commenters cite numerous federal and state constitutional and statutory provisions, including the Americans with Disabilities Act, §504 of the Rehabilitation Act of 1974, and Education Code, §1.002, and argue they apply because the program uses state funds. LDF also argues that without these additions, the program would perpetuate segregation. These suggestions are outside the scope of the proposed rules. Such additions are not a logical outgrowth of the proposal and would materially alter the issues raised in the proposed rules. Such an adoption would deprive affected parties of fair notice and the opportunity for meaningful and informed participation in the rulemaking process. See *Tex. Workers' Comp. Comm'n v. Patient Advocates*, 136 S.W.3d 643 (Tex. 2004). The comptroller declines to change the rules in response to these comments.

Primer commented that Education Code, §29.358(b) uses the term "shall" rather than "may" and requests §16.404 also use "shall" rather than "may." The comptroller agrees and adopts the rule with changes to better align with the statute.

TASB suggests that proposed §16.404 address what happens if a private school loses accreditation or closes mid-year and whether, in such a circumstance, the student's account will be adjusted or refunded and how the amount will be calculated. A private school that can no longer demonstrate accreditation, as required by Education Code, §29.358(b)(2)(A), is subject to suspension and removal under Education Code, §29.3585. Education Code, §29.3585(b) prohibits payments from a program participant's account to a suspended provider or vendor. The comptroller appreciates the commenter's concerns but believes that these provisions sufficiently address the issue. The comptroller therefore declines to change the rule based on this comment.

CAKE asks about possible plans for the comptroller to issue accreditations directly to private schools under certain conditions. At this time, the Education Code does not authorize such accreditations, and thus the comptroller declines to make a change to the proposed rule based on this comment.

One individual commenter suggests that accreditation should not be required for private schools under §16.404(d) and that schools should be permitted to demonstrate quality and accountability in other ways. Under Education Code, §29.358(b)(2)(A), a private school must demonstrate accreditation by an organization recognized by TEPSAC or the Texas Education Agency.

The comptroller therefore declines to change the rule based on this comment.

The comptroller received several comments related to the requirement in §16.404(d)(2) that a private school must submit proof of annual administration of an assessment instrument to participating children in grades 3 through 12. CLI suggests that §16.404(d)(2) be revised to say: "annual administration of one or more assessment instruments to participating children in grades 3 through 12." CLI states Texas private schools are unsure whether requiring "annual administration of an assessment instrument" will prevent private schools from administering more than one assessment instrument. CLI cites case law and the Code Construction Act, Government Code, §311.012(b), to explain that, when construing the code, the singular includes the plural and the plural includes the singular. The comptroller agrees with CLI's interpretation, but declines to change the rule because the Code Construction Act makes it unnecessary. The program can resolve any confusion outside of the rulemaking process.

Shelton asks various questions regarding annual assessment instruments. The comptroller cannot provide general guidance of this nature and declines to change the rule based on these comments.

CareerPath and three individuals suggest that, with respect to the requirement to administer nationally norm-referenced tests or state-approved assessments in §16.404(d)(2), the rule should provide exemptions or alternative accountability options for schools serving profoundly disabled students and, as an alternative, allow functional, developmental, or individualized assessments aligned with a student's IEP or care plan. One commenter notes that for her child, "quality of life, independence, and communication improvements are as important, if not more important, than traditional academic gains" and cannot be adequately measured by a standardized assessment. Another commenter expresses concern that "some of the most vulnerable children in our state may be left behind." Education Code, §29.358(b)(2)(B) requires private schools to administer "a nationally norm-referenced assessment instrument or the appropriate assessment instrument required under Subchapter B, Chapter 39." While the comptroller believes that the statute does not require a private school to provide accommodations for a child with a disability and that Education Code, §29.368 prohibits the state from requiring the provision of such accommodations, the comptroller also believes that Education Code, Chapter 39, Subchapter B permits alternative assessments to be administered in the case of a child with a disability based on the IEP. Further, the statute does not limit a private school's discretion to choose a nationally norm-referenced assessment instrument. Considering the applicable statutory provisions, the comptroller declines to revise the rule based on these comments.

SEF requests that §16.404(d) require participating private schools to administer the same state standardized tests, at the same time and in the same general manner as public schools, such that a meaningful understanding of participating students' academic achievement compared with their public school counterparts can be attained. SEF argues a meaningful benchmark is needed to compare how students performed before the program and to compare students with their public school counterparts. This suggestion conflicts with Education Code, §29.358(b)(2)(B), which explicitly allows private schools to choose a nationally norm-referenced assessment instrument

or the appropriate assessment instrument required under Education Code, Chapter 39, Subchapter B. Because statute does not require private schools to administer the same assessments as public schools, the comptroller declines to change the rule based on this comment.

The comptroller received several individual comments regarding the continuous operation of a campus for at least two-years under §16.404(d)(3), particularly with respect to the relocation or expansion of private school operations within the state or into Texas from another state. CtS, Every Kid, ExcelinEd, First Day, and Primer suggest revisions to explicitly permit an out-of-state provider to meet this requirement based on continuous operation of a campus outside the state for two years. ExcelinEd argues that allowing out-of-state campuses will preserve basic standards of private school quality while not artificially restricting the supply of available options. Primer suggests the rule as proposed could be interpreted to require a private school to be headquartered in this state and suggests the rule instead require campuses to be located in this state. Schneider is concerned that the campus definition could be misinterpreted to require each new campus of an already approved private school to operate two years before serving program participants, and argues this requirement is not statutorily required, would impede established schools that are growing to meet student demand, and is made unnecessary by other statutory requirements. Schneider notes the statute limits eligibility to in-state private schools, ensuring local presence and oversight, and suggests that an approved private school should be allowed to open new campuses under the same management and oversight without needing to reapply. One individual commenter asks whether "operation" means "accredited." While Education Code, §29.358(b)(2)(C) requires a private school applying to participate in the program to have continuously operated a campus for at least two school years before applying (whether approved by TEPSAC or the Texas Education Agency or not), the comptroller agrees the statute does not require the qualifying campus to be located in Texas. The comptroller adopts the rule with clarifying changes to confirm that a school may operate more than one campus, that any one of the school's campuses may be used to meet this condition, and that the qualifying campus does not need to be located in Texas. The comptroller adopts §16.404(d) with revisions and adds new subsection (e), appropriately re-lettering subsequent subsections, to make these clarifications.

KaiPod asks whether a new locally-owned school in its network can meet the accreditation requirements based on its affiliation with accredited out-of-state campuses and asks if the rules envision a type of legal agreement or partnership structure to meet the requirements of §16.404(d)(3). For example, where an individual private school operated by a local owner is part of an affiliated network of schools with a shared educational philosophy, aligned practices, and oversight, KaiPod asks whether accreditation and continuous operation of an affiliate school satisfies the accreditation and two-year operation requirement for an applying school. The comptroller acknowledges that a school operating as a single, legal entity with multiple campuses may fulfill the two-year operation requirement with any one of the campuses it operates. The comptroller declines to address this specific fact scenario in the rule, but, as discussed in the above paragraph, adopts §16.404(d) with revisions and adds new subsection (e), to provide additional clarity.

One commenter suggests that a school that has operated for the requisite two-year period under an accreditation not approved by either TEPSAC or the Texas Education Agency be approved

to participate in the program during the pendency of the required accreditation. Every Kid suggests approving such schools if they have a provisional pathway as determined by the agency for schools actively seeking accreditation. Education Code, §29.358(b)(2) requires a private school be accredited by an organization recognized by either TEPSAC or the agency; the statute does not permit alternate accrediting bodies, nor does it permit participation in the program during the accreditation process. Therefore, the comptroller declines to change the rule based on this comment.

The comptroller received requests from Every Kid, ExcelinEd, First Day, and TCPSA regarding the public school approval requirements under §16.404(f). Specifically, commenters request that confirmation of accreditation status from the Texas Education Agency be verified based on the agency's electronic database information, rather than documentation the public school submits. ExcelinEd also suggests allowing a public school to attest that participating children will not be counted towards the district's or school's average daily attendance, rather than provide documentation. First Day states requiring duplicative paperwork on accreditation and average daily attendance could discourage participation by these schools. The comptroller agrees that electronic verification expedites the approval process and adopts the rule with clarifying changes to confirm the acceptability of electronic verification of the accreditation status of public schools but declines to require only an attestation from a public school.

The comptroller received comments regarding the approval of private prekindergarten and kindergarten services under §16.404(h). ECEC requests revising the rules to clarify that such providers are considered "private schools" under proposed §16.407(b) and are not subject to the \$2,000 funding cap. ECEC states that "any family enrolling their child at a qualified pre-kindergarten or kindergarten provider must be eligible for the full ESA amount." Atelier states that applying the cap to these providers prevents them from accessing up to \$30,000 in special education support and goes against the legislative intent. The comptroller notes that statutory limitations, including Education Code, §29.355(a)(2)(B) require prekindergarten children to meet eligibility requirements in Education Code, §29.153. Rep. Buckley, one of the authors of the legislation establishing the program, concurs, commenting that it was his intent that students eligible to participate in a prekindergarten program under Education Code, §29.355 and §29.153 and attending a private prekindergarten accredited under Education Code, §29.171 receive "85 percent of the estimated statewide average amount of state and local funding per student in average daily attendance." The comptroller does not define such providers to be "private schools" but agrees the \$2,000 funding cap should not apply and adopts §16.403(b) to clarify the children who are eligible to participate in the program as prekindergarten students under Education Code, §29.153 and adopts §16.404(h) and §16.407(b) with changes to clarify that a prekindergarten or kindergarten provider accredited under Education Code, §29.171 will be eligible to receive program payments for tuition and fees for prekindergarten and kindergarten educational services and clarifying that a private school qualifying under Education Code, §29.358(b)(2) may receive tuition and fees for kindergarten participants. However, the comptroller also notes that the purpose of the program is to provide educational options to parents rather than childcare services and, to align with statutory authority, adopts conforming changes to limit the use of funds to the portion of services that would be eligible

for Foundation School Program Funding if provided under a contract with a school district.

Kiddie Academy of Magnolia expresses concern that Senate Bill 2 requires participating prekindergarten providers to obtain certain certifications dependent on state programs, such as the Texas Workforce Commission Child Care Services program and Texas Rising Star, stating both are experiencing extreme backlogs. The rule does not require a private provider of a prekindergarten or kindergarten program to obtain TWC certification. The rule references the requirements of Education Code, §29.171 which contains a list of acceptable ways to demonstrate meeting the required standards. Prekindergarten partnerships with school districts provide public school funding for the pre-kindergarten portion of the day, and TWC's CCS program may pay for the care some children receive before and after the pre-k class. Program accounts may only be used to pay fees for the pre-kindergarten portion of the day, and the program only addresses qualifications for that part of the day.

The comptroller received many comments regarding the accreditation requirements for prekindergarten providers under §16.404(h). AELL, AMC, Angels Care, Atelier, Bella Gardens, Cantera, Creative Care, EFS, Fractal, Kiddie Academy, Lake-Creek, Lumin, MCHS, MINT, Pines, Post Oak, Southampton, TLCCA, White Rock, and many individuals requested that the comptroller accept accreditations under §16.404(f) for the following organizations: American Montessori Society ("AMS"), Association Montessori International/USA ("AMI"), Cognia, the International Montessori Council ("IMC"), National Administrator Credential ("NAC"), National Association for the Education of Young Children ("NAEYC"), National Early Childhood Program Accreditation ("NECPA"), and Texas Rising Star ("TRS"). The commenters argue that providers with these certifications meet thresholds that demonstrate the schools' commitment to providing high-quality early education, developing young minds and improving the strength of the Texas workforce and preparing the state for the 21st century. Commenters note that Montessori schools have a long history of accrediting schools and credentialing teachers and that their inclusion supports high-quality, proven educational models for over 55,000 Texas families. One commenter suggests the process to become credentialed as a Montessori teacher is at least as rigorous as the standard required to obtain a teaching certificate in Texas. Another points to studies that show "Montessori students demonstrate stronger executive functioning, higher levels of independence, and improved critical thinking skills compared to peers in traditional settings." According to Education Code, §29.358(b)(6), Education Code, §29.171 governs the accreditation requirements for private prekindergarten and kindergarten providers. A provider with a TRS certification of three-stars or higher meets the standard necessary to be approved as a provider for the program, as does a provider with AMS, Cognia, NAC, NAEYC, or NECPA certification. Accreditations under by AMI and IMC, however, do not currently meet the requirements of Education Code, §29.171. Because Education Code, §29.171 already specifies the acceptable accrediting organizations for prekindergarten and kindergarten providers, the comptroller declines to change the rule based on these comments.

The comptroller received comments regarding the approval of tutors, therapists, and employees of a teaching service under §16.404(i). First Day and Outschoool both request that the phrase "located in this state" be replaced by "that is located in this state." The comptroller notes that the statute requires education service providers be located in this state but not vendors of edu-

cational products or services. The comptroller adopts §16.401 and §16.404 with revisions to clarify that a tutor, therapist, or employee of a teaching service is a vendor and does not need to be located in this state.

Every Kid, ExcelinEd, and First Day request that §16.404(i) be revised to specify that the documentation necessary to validate the qualification requirements for tutors, therapists, and employees of a teaching service be verified by the comptroller using existing state or national databases, rather than being submitted to the comptroller by the applicant. Although Education Code, §29.358(b)(4) places the onus on the applicant to prove the tutor, therapist, or employee of a teaching service meets the requirements to be approved as a vendor, the comptroller agrees that electronic verification expedites the approval process. The comptroller adopts §16.404 with changes to allow but not require electronic verification for tutors, therapists and teaching services.

TCCB and TPSA commented that the interagency reportable conduct search engine under Health and Safety Code, Chapter 810 will not be available for use until the summer of 2026. The commenters request that the Texas Education Agency's do-not-hire registry maintained under Education Code, §22.092 be utilized for such verifications during the interim. The comptroller agrees with the commenters that the protection of children participating in the program is of utmost importance. Because compliance with the statutory requirement to use the new search engine will be impossible until it is operational, because the legislature clearly intended that participating private schools conduct these important screenings, and because the legislature authorizes the use of the Texas Education Agency's do-not-hire registry for other types of vendors, the comptroller adopts the rule with changes to allow private schools to comply by using the do-not-hire registry until the new registry is available.

The comptroller received six comments regarding the qualification requirements for a tutor or employee of a teaching service under §16.404(i)(3). At-Home requests that the term "educator" be extended to specifically include a teacher or tutor and requests that the rule permit the approval of persons employed by or independently contracted by a duly-accredited school or higher education provider. At-Home points out the rule differs from the statutory wording and its summary use of the term educator unintentionally incorporates a definition only applicable to public school educators. Education Code, §29.358(b)(4)(A)(i) concerning public or private school employees uses the term "educator" and the phrase "employed by," and Education Code, §29.358(b)(4)(A)(iii) concerning higher education provider employees speaks in terms of a teacher or tutor and uses the phrase "employed in." The comptroller agrees that these distinctions in the legislation are significant. The comptroller therefore adopts the rule with changes to use the statutory language.

EEFLC and First Day request that the qualifications for a tutor or employee of a teaching service include individuals with a current or expired teaching certificate, instructional accreditation, or another professional license or accreditation in the individual's subject area of instruction. EEFLC notes that both public and private schools may hire teachers without certifications and believes it is unfair to hold homeschool instructors to a higher standard. The comptroller notes that Education Code, §29.358(b)(4)(A)(ii) permits the approval of a tutor or employee of a teaching service who holds a relevant license or accreditation. The term "holds" implies that the possession of an active license or accreditation. Therefore, the comptroller adopts the rule with changes to al-

low for the approval of tutors and employees to the extent that the applicant holds an active teaching license or instructional accreditation in their subject area.

EEFLC also requests that tutors who work in a teaching service or co-op arrangement be permitted to perform their own criminal history review the way that a private school is permitted to conduct their own reviews. EEFLC says this "creates an undue and invasive burden on private teachers and family-run cooperatives and could discourage participation," and they ask for equal treatment with private schools. With respect to this same provision, TASB requests that the statutory references in §16.404 be revised to reflect the recodification of those sections by Senate Bill 571. The comptroller notes that under the Code Construction Act, a reference to any part of a statute applies to all reenactments, revisions, or amendments of the statute unless expressly provided otherwise. Education Code, §29.358(b)(4)(B) requires that any tutor, therapist, or employee of a teaching service provide to the program a third-party criminal history review or allow the program to conduct such a review. As the commenter notes, Education Code, §29.358(b)(2) related to the qualifications for private schools does not contain a comparable provision. However, Education Code, §29.358(b)(4) relates to tutors, therapists, and employees of a teaching service and does not require such providers to: receive TEPSAC or Texas Education Agency approved accreditation; operate a campus for two school years; be located in the state; or conduct annual assessments and share the assessment results with the program. Based on the statutory requirements, it is not possible to treat tutors, therapists, and employees of a teaching service the same as private schools in many respects, but the comptroller does not intend to place an unnecessary burden on any provider or vendor. Therefore, the comptroller adopts §16.404 with revisions to align requirements placed on providers and vendors to the extent feasible.

One individual commenter asks that the qualification requirements be relaxed to include subject-matter experts without formal credentials used by small, parent-led groups. The comptroller understands that the needs of and resources available to small groups differ from that of larger groups but is bound by Education Code, §29.358. Therefore, the comptroller declines to change the rules based on this comment.

The comptroller received several comments about the reference to the program marketplace in proposed §16.404(h) and proposed §16.407(g). Every Kid, First Day, Mastercard, and Outschoool believe that the employment of a single program marketplace for participant purchases creates ambiguity and uncertainty for participants, could limit parent choice, could limit the participation of providers and vendors and is contrary to the spirit of multiple CEAOs. They therefore request that the marketplace reference be replaced by a comptroller-approved payment or purchasing mechanism. Mastercard suggests the use of technology that achieves five goals: convenience, fidelity, efficiency, security, and transparency. TASB suggests changing "may" to "shall" in proposed §16.407(g) to plainly state whether such a marketplace constitutes the only means of making approved purchases. The comptroller appreciates the commenters' interest in maintaining the integrity and accessibility of the program. While the use of a single purchase platform provides certainty and clarity for participants, minimizing the possibility of fraud and waste, the comptroller agrees the program may need flexibility considering how quickly the technological landscape evolves. The comptroller therefore adopts the rule with clarifying changes to indicate that any

comptroller-approved purchasing system is acceptable and is the only permissible mechanism.

TASB asks that the rules explicitly prohibit reimbursements if that is the intent. Conversely, one individual commenter requests the implementation of an alternative to the use of a single program marketplace, such as the submission of receipts. Education Code, §29.360(f) specifically forbids reimbursements and is incorporated in §16.403(b)(4)(B) as one of the attestations required for program participation. Therefore, the comptroller declines to revise the rule based on this comment.

TASB recommends changes to these rules to explicitly permit the purchase of services or products exceeding the balance of a participant's account, provided the participant pays the difference. CollegeBoard states making the CEAO as a purchasing intermediary will prevent homeschoolers from using ESA accounts to pay for the PSAT/NMSQT because school districts collect the exam fees from homeschoolers. The comptroller understands the request to address these specific scenarios, but recognizes that system limitations of a CEAO may, at least initially, preclude solutions. Senate Bill 2 expresses the legislature's intent that the program be quickly implemented. The legislation imposes a rule adoption deadline of May 15, 2026, and authorizes emergency rules for purposes of the 2026-2027 school year without the usual statutory findings. Senate Bill 2 also expresses the legislature's intent to limit administrative costs with statutory caps on the percentage of funds available for both comptroller and CEAO costs. The comptroller declines to address solutions to these issues in the rule because the need to quickly and economically begin the program outweighs the benefit. However, the comptroller appreciates the thoughtful suggestions that merit further discussion and consideration as the program is implemented.

The comptroller received several comments regarding the prohibition of payments to a participant's family members in §16.404(k). Every Kid, ExcelinEd, and First Day request enforcement of this restriction via provider and participant attestations and revisions to the rule that clarify a parent may be employed by a participating child's provider so long as they do not have direct interaction with their child. ExcelinEd believes the proposed rule would unintentionally restrict student eligibility or force a parent to change employment for the sake of student participation. The comptroller agrees that Education Code, §29.359(b) should not be read to prevent a participating child from attending a private school where their parent teaches, but notes that it imposes a strict prohibition on program payments to a person related to a participating child. Because it is impossible for a nonprofit corporation, a corporation, or some other entity to be related to a child within the third degree of consanguinity, the adopted rule clarifies that it does not preclude payments to entities other than sole proprietorships or partnerships. With respect to enforcement of the provision, the comptroller cannot rely solely on attestations, precluding the use of other methods, including audits. The adopted rule will not require reliance solely on attestations.

The comptroller received several comments regarding the participant, provider, and vendor suspension provisions contained in proposed §16.405. Every Kid, ExcelinEd, First Day, the Miles Foundation, and TASB request that the rule distinguish between intentional fraud or flagrant misuse of program funds and unintentional errors or mistakes. Specifically, the commenters ask that a participant be given an opportunity to cure inadvertent violations prior to suspension, while participants committing intentional violations be suspended immediately. Texas 2036 simi-

larly asks that the consequences for a school that inadvertently submits erroneous information. One individual commenter approved of the rule but also requested that a cure period be allowed and that notices be delivered by regular mail and email. While the comptroller appreciates commenters' concerns, Education Code, §29.3585(a) and §29.364(a) require the comptroller to suspend, at least temporarily, participant accounts, providers, and vendors for failure to remain in good standing. The comptroller notes that it is not the participant who is suspended, but rather the participant's account. A child in private school won't have to stop going to school. Instead, payments from their account will be paused while the program determines what needs to be corrected. The comptroller notes that without account suspensions, participants could continue making inadvertent but prohibited expenditures. An inadvertent improper payment is still an improper payment and an unauthorized expenditure of taxpayer dollars. To reduce possible problems during account suspension for unintentional mistakes that could be resolved faster than 30 days, the comptroller adopts §16.405(c) with a change authorizing faster action to resolve minor issues for participants, providers, and vendors. The comptroller also adopts §16.405 with changes to clarify suspension applies to the participant's account, rather than the participant. The adoption also removes participant eligibility as a cause for suspension because a participant's removal from the program for ineligibility is addressed separately. The comptroller notes that a participant, provider, or vendor will be given notice and an opportunity to cure any violation before a final decision is made and that the rule requires notification via mail and email.

TASB suggests specifying the duration of any ineligibility under proposed §16.403(g), if not permanent, whether reinstatement is permitted, and how reinstatement is obtained. TASB also asks that proposed §16.405 specify the length of suspension or clarify that removal from the program under proposed §16.405 is permanent. Senate Bill 2 contains two sections addressing suspension from the program: Education Code, §29.3585 deals with the suspension of providers and vendors; and Education Code, §29.364 deals with the suspension of program participant accounts. In both cases, a cure period is provided before final removal from the program. In neither case, however, does the statute contemplate reinstatement to the program following such removal. The comptroller agrees that additional clarity is needed and adopts the rule with changes that remove subsection (g) from §16.403 and globally address suspension and removal for violations in §16.405 to address suspension length and to specify that removal from the program for a violation is permanent.

TASB also requests additional protections to prevent removed individuals or entities from re-entering the program under a new organizational name and suggests adding two-year operational prerequisites on other types of providers and vendors. TASB also suggests a fraud and complaint hotline. The comptroller understands the need to protect the integrity of the program and to take steps to prevent fraud and abuse. The comptroller believes the rules contain many provisions to curb bad actors and declines to revise the rule based on this comment. However, the comptroller appreciates the thoughtful suggestions that merit further discussion and consideration as the program is implemented.

TASB requests additional guidance on reimbursement procedures for providers or vendors that accept program funds but fail to deliver the purchased service or item. Specifically, TASB asks whether the participant account will be reimbursed regardless of the outcome of any reclamation process. TASB also notes that

the rules fail to address the remedies available to a participant that loses placement in a private school based on an error on the part of the comptroller or a CEO. The comptroller appreciates commenters' concerns but believes that the process for resolving these issues is addressed in §16.405 and §16.409. Therefore, the comptroller declines to revise the rules based on these comments.

Finally, TASB requests that the term "substantial" as a modifier for a "violation of law" be removed from proposed §16.405(e) with respect to reporting instances of fraud or abuse to a local county or district attorney. Because Education Code, §29.366 uses the phrase "any other violation of law" and requires the comptroller to report such instances to a local county or district attorney, the comptroller agrees and adopts the rule with that change.

The comptroller received four comments requesting clarity concerning the interaction between proposed §16.405 concerning suspensions and proposed §16.409 concerning appeals. Every Kid, ExcelinEd, First Day, and the Miles Foundation ask that proposed §16.405(f) clarify that a participating parent retains the right to appeal a decision regarding the removal of their child from the program under proposed §16.409. The comptroller agrees with the commenters and adopts the rule with revisions to clarify that the appeal rights under proposed §16.409 apply to final decisions related to a program participant under §16.405.

The comptroller received two comments regarding the types of approved providers under §16.406(1), the meaning of the term "instructional materials" as used in §16.406(3), and the scope of §16.406(4). Interplay suggests expanding §16.406 to allow payment of tuition and fees to apprenticeship, trades and career and technical education programs including related technical instruction, and clarifying that instructional materials includes digital, online or virtual instructional materials used in such programs. Interplay argues the programs should be added because of Texas' growing demand for skilled trade, and argues their suggestions is consistent with Education Code, §31.002. The comptroller notes most of these edits are unnecessary because the §16.401 is adopted with an added "instructional materials" definition to include digital materials and removes the for-credit requirement from the "online educational course" definition. While not covering in-person apprenticeship programs, the definition will allow payment of tuition and fees for related online technical courses as well as online trade, career and technical education courses. One individual commenter requests that covered expenses include art and science materials, museum and park memberships, and fees for small-group classes. EEFLC asks whether fees for extracurricular activities are covered, such as robotics, cooking, or piano lessons. Education Code, §29.358 provides a comprehensive list of the types of education service providers eligible to participate in the program with corresponding accreditation, licensing and other requirements. Adding these programs would conflict with program statutory requirements. Unlike Senate Bill 2 requirements for private schools, Senate Bill 2 does not require a career and technical education programs to administer annual assessments and does not require participants enrolled only with a career and technical education programs to share assessment results with the CEO. Where such programs otherwise qualify under a §16.404 vendor category, however, they may be approved for participation in the program. The comptroller declines to change §16.406 in response to this comment, but instead adopts §16.401 with changes to add a

definition of "instructional materials" and remove the for-credit requirement of the "online educational course" definition.

The comptroller received one comment regarding the limitation on payments for educational therapies to the extent covered by government benefits or private insurance in proposed §16.406(7). TASB asks the comptroller to specify the process to ensure the application of this limit. The comptroller agrees that protecting program assets is in the best interests of the state and all participants and endeavors to ensure that program funds are distributed in an equitable manner. The CEOA's responsibility for determining the validity of education-related expenses is addressed in the CEOA's contract, and proposed §16.405 provides a mechanism for addressing any funds that are improperly distributed. Therefore, the comptroller declines to revise the rules based on this comment.

The comptroller received several comments on the scope of the hardware, software, and other technology category of approved expenses contained in proposed §16.406(9). McGraw Hill requests that the restriction in the rule that such items be required by a private school be revised to align with the language in the statute. The comptroller agrees that Education Code, §29.359(a)(8) allows the purchase of hardware, software, and technological devices required by an education service provider or vendor of educational products or services. Therefore, the comptroller adopts the rule with changes to align with the statute and allow purchases of hardware, software, and technological devices required by any approved provider or vendor.

Interplay requests that the term "software" as used in the proposed rule be clarified to exclude online courses, digital curricula, or online instructional materials whether constituting the primary content of instruction or supplemental resources, such that the 10% cap on technology expenses does not apply. Interplay argues this is necessary to ensure ESA funds can pay for online and virtual reality-based training programs. To clarify permissible expenses in §16.406, the comptroller adds a definition in §16.401 for "instructional materials" and modifies the "online educational course" definition. The comptroller notes that some items, such as VR headsets and Manual J calculation software, can be permissible educational expenditures but are subject to the statutory 10% cap.

One individual commenter requests that the 10% cap on technology expenditures under proposed §16.406(9) be relaxed in the case of assistive devices or specialized tools recommended by an educator or therapist. Education Code, §29.359(a)(8) explicitly limits the annual covered amount spent on technological devices to 10% of the amount transferred to a participating child's account that year. The comptroller appreciates the commenter's concerns but believes the rule accurately reflects the limitation in statute and declines to change the rule based on this comment.

The comptroller received a comment from OSOD and one individual requesting additional rulemaking regarding the criteria to be used for approval at the comptroller's discretion of other types of vendors to provide qualified education related services and products under proposed §16.404(h). The comptroller received comments on the types of academic assessment instruments that are considered approved education-related expenses under proposed §16.406(5). CLI requests that authority to pay academic assessment administrators for "academic instruments" explicitly include competency-based learning assessments, grade placement assessments, literacy assessments, college advanced placement tests, college or post-secondary entrance examinations, and preparatory entrance examinations. CLI

argues this change is needed to allow ESA funds to pay for academic assessments despite explicit statutory authority for this expense. When reviewing Education Code, Chapter 29, Subchapter J as a whole, the comptroller interprets "academic assessment" and "assessment instrument" to mean the same thing. The comptroller agrees with commenters and adopts §16.401(3) with a change to clarify the definition applies to both terms. The comptroller agrees that criteria for administrators of academic assessments and other vendors approved under Education Code, §29.358(b-1) should be included in the rule. The comptroller replaces proposed §16.404(h) with the criteria for approval of vendors that provide the types of approved education-related expenses that Education Code, §29.358(b-1) references.

The comptroller received one comment regarding the administration of program accounts under proposed §16.407. Every Kid requests that transaction fees be prohibited on participants, providers, and vendors. Education Code, §29.360(g) already addresses this subject and it specifically prohibits a CEOA from imposing transaction fees on participant accounts. Accordingly, the comptroller declines to change the rule.

The comptroller received many comments regarding the \$2,000 funding cap in proposed §16.407(b). Abraham's, AELL, AFC, Allstars, Angels Care, Ascension, Atelier, BBMA, Bella Gardens, Belton, Blessing, Bright Beginnings, Bright Horizons, CCA, CCCC, CCS, Celebree, Children at Risk, Children's Lighthouse, Children's Safari, Cielito, Colyandro, Creative Care, DCC, DCCDS, Dunkin, Early Matters, ECEC, EFS, Endless, EPCF, Every Kid, Family Compass, First Day, FLIP, Footprints, Fractal, Future Scholars, Goddard, GStop, Happy Tree, Heritage, Hope, Ivy Kids, Jupiter House, Kiddie Academy, Kids Academy, Kids Co., Kids Concepts, KidsPark, Kids R Kids, KinderCare, LakeCreek, LCG, Legacy, Liberty, Little School, Magnolia, Marion, Metrocrest, MHEC, the Miles Foundation, Nest, Next Generation, NPN, NTEEA, Open Door, Outschool, Pillars, PreK Today, Primrose, Q&A, Rainbow, Ready Set, Respite, Robindell, ROCK, Sharp, Steady Steps, SX6, THSC, TLCCA, TLE, TPPF, TSVF, United Way, Vogel, Work Texas, 2T, and many individual commenters raise two points with respect to this provision. First, many request that the funding cap not apply to students participating in a prekindergarten or kindergarten program approved as a provider under Education Code, §29.358(b)(6) and request that such students receive "the full ESA amount" or "the \$10,000" funding amount (an approximation by commenters of the "85 percent of the estimated statewide average amount of state and local funding per student in average daily attendance" provided under Education Code, §29.361(a)(1)) as well as any added amount for children with a disability up to \$30,000. Many of these commenters such as CCA advocate for participants to be able to use full funding to pay for a "community-based setting that meets their specific needs, including the ability to receive full-day and year-round programming aligned to a parent's work schedule" with a "curriculum aligned to early childhood best practices." These commenters also note that because "many private schools do not offer pre-k, this dramatically limits families' options and leaves out the very programs that have long partnered with the state to prepare children for school." These programs, Nest notes, provide a "high-quality, accredited environment where {the} focus is on preparing children for school readiness, lifelong learning, and social-emotional growth." Children's Lighthouse notes that many of these providers are licensed by the Texas Health and Human Services Commission, hold state and national accreditations,

meet other rigorous standards, and are trusted by and vital to working families across the state. Respite states that this dilemma is especially acute for children with special needs and/or complex medical conditions such as the children they serve. TLCCA argues that "high quality childcare providers are essential to early childhood development and should be valued partners in the ESA program, alongside private schools." CCA, SX6, and United Way says the proposed rule only provides the "illusion of choice." NTEEA says science "removes any doubt that children learn from birth and because so many mothers and fathers are in the workforce when their children are young, it is critical that we ensure access to high quality prek programs." DCCDS agrees, arguing that additional funding would permit families with children to be able to work while their children receive an education, allowing them to grow into adults that can contribute to their communities. LakeCreek states that additional funding would allow them to "improve learning materials, enhance classroom resources, provide specialized support for children with diverse learning needs, and maintain affordable tuition for families." Belton says "private preschools like ours are missing out on important training opportunities that would help our staff adapt to changes in teaching and behavioral management for special needs children." Fractal, the Miles Foundation, and many other commenters cite the average annual cost for private prekindergarten in Texas as a justification for providing "full funding" to such students to make prekindergarten more affordable. Children's Lighthouse notes that the early childhood education industry contributes \$3.64 billion to the Texas economy but argues that lack of full program funding undermines the industry's sustainability because the current economic climate forces parents to select a free public prekindergarten program, rather than the private provider they choose; Education Connection mentioned the same pattern. Several commenters argue the proposed rules provide full funding only for TEPSAC-accredited schools, ignoring TRS, the state-approved quality rating system, with more stringent evaluations than NAC, NAEYC, and NECPA. CCA specifically notes that many prekindergarten providers have never had a reason to seek TEPSAC accreditation because the state encouraged the alternate accreditation standards promulgated under Education Code, §29.171. Vogel urges the comptroller to "not discriminate against childcare centers that also are the same high quality as private PreK programs." The comptroller notes that the program's purpose is to provide educational options, including certain prekindergarten and kindergarten programs, to parents, and does not provide funding to support providers and vendors. The comptroller adopts §16.403(b) and §16.407(b) with changes to ensure that participants enrolled in the program who qualify for prekindergarten under Education Code, §29.153 and enroll at an approved private prekindergarten or kindergarten provider of educational services accredited under Education Code, §29.171, qualify for participation in the program without being subject to the \$2,000 funding cap. To clear up confusion over the type of prekindergarten and kindergarten programs the statute allows, the comptroller notes that §16.404 incorporates by reference the requirements of Education Code, §29.171, and the comptroller adopts §16.403 with the statutory list of requirements for children to qualify under Education Code, §29.153.

Second, the commenters also reference Education Code, §29.361(b-1) suggesting the language limits only students meeting the "home-schooled student" definition under Education Code, §29.916(a)(1) to the \$2,000 funding cap. THSC worries that application of this cap generally will steer parents towards

a single provider type, a private school, rather than empowering them to select the type of education best suited to their child's needs. THSC suggests that the \$2,000 cap should only apply in cases where a program participant affirmatively indicates that they intend to use the funds for homeschool expenses, that funding should not be based on whether a participant is classified as a "homeschool student vs another type of student," and that participants educated through various alternative models, such as micro schools, learning pods, and the like, should be funded at the same level as private school students (approximately \$10,300 per student and up to \$30,000 for children with a disability). Every Kid states the rule's application of the \$2,000 cap could improperly restrict funding for children enrolled in other approved education service providers. Heritage also advocates for a multi-provider approach, argues that a parent's ability to fire service providers adds sufficient accountability, and is concerned that thousands of Texas participants will be unable to find a private school to attend. Colyandro states that a participating child could enroll at, and obtain their education from, any type of education service provider listed in Education Code, §29.358(b). Outschoo's argument is similar: that students could "enroll" with other types of providers, implying that Outschoo--a vendor of online courses and online tutoring--should participate at the level of a private school without satisfying the accreditation, assessment, duration, or location requirements. TPPF and AFC state program participants should receive full funding to attend workforce training, microschools, or nationally-accredited private schools outside the TEPSAC framework, and argue the \$2,000 limit may hinder broader state workforce training goals and conflicts with legislative intent for the broadest possible education options. TPPF and AFC further argue the limit will stifle innovation, reduce participation levels (especially in the areas of workforce readiness), and specialized learning environments. ECEC believes the legislation only authorizes application of the funding cap to homeschool students and thwarts the legislature's intent to provide educational freedom to parents in determining how their children receive their education. ExcelinEd states the \$2,000 limit should apply only to traditional homeschoolers because full funding should be available to students in hybrid schools and other customized options, including paying for online courses, public school courses, tutors, and the like. Kiddie Academy states that "nowhere in the language of Senate Bill 2 is a cap based on {the} type of qualified educational provider contemplated." One commenter asks that the \$2,000 funding cap be waived for students with disabilities that are unable to gain private school admission. Sen. Creighton and Rep. Buckley, the authors of Senate Bill 2, submitted a comment indicating that the legislative intent was that only those students enrolled in an accredited private school should not be subject to the funding cap. Supporting this position, the commenters point to Education Code, §29.362(d)(2)(B), which requires a CEO to notify the comptroller when it is determined that a participating child is not enrolled in a private school, a provision that serves no purpose if not to ensure each child receives the proper funding amount. The comment also explains this distinction is needed to ensure the accountability and educational quality for participating students. The comptroller agrees with the Senate Bill 2 authors that the educational environment in which a child participates determines the funding cap's applicability. Adding customized options that include online courses, public school courses, tutors, micro schools, or learning pods to the program as education service providers would conflict with program statutory requirements. Unlike Senate Bill 2

requirements for private schools, Senate Bill 2 does not require online courses, public school courses, tutors, micro schools, or learning pods to administer annual assessments and does not require participants enrolled in these types of courses to share assessment results with the CEOA. The legislature did not intend for Senate Bill 2 to create a new category of students who are neither enrolled in private school nor homeschooled. The comptroller notes that when the legislature created the Texas Academy of Mathematics and Science at the University of North Texas ("TAMS"), it added a corresponding exemption for TAMS students in Education Code §25.086. In contrast, when the legislature enacted Senate Bill 2, it did not create a corresponding exemption for program participants in Education Code, §25.086. If the program allowed fully-funded participants to only use providers and vendors that are not approved private schools (or approved prekindergarten providers), then full program funding could be provided to participants who are not exempted by Education Code, §25.086, and such funding would effectively eliminate the statutory requirements for: TEPSAC or Texas Education Agency approved accreditation; operating a campus for two school years; location in the state; and annual assessments and the sharing assessment results with the CEOA. In contrast to participants who attend private schools, participants who are homeschooled: are limited to \$2,000; are not required to take annual assessments nor to share any annual assessments with the CEOA; are exempt from Education Code, §25.085; and may choose to piece together customized options from one or more providers and vendors including non-accredited vendors of online courses, as well as tutors, public school courses, and the like. The comptroller disagrees that these alternative arrangements are eligible for the full funding level described in Education Code, §29.361(a)(1). Because these arrangements fit within the broad "home-schooled student" definition in Education Code, §29.916(a)(1), the \$2,000 funding cap in Education Code §29.361(b-1) applies to all these arrangements. Therefore, the comptroller declines to revise the rule based on these comments.

The comptroller received comments from Heritage and one individual requesting that the \$2,000 funding cap in proposed §16.407(b) be waived for children with a disability who are unable to find placement in an accredited private school. Heritage states the Arizona Empowerment Scholarship Account program provides higher funding amounts to disabled students regardless of whether they attend a private school or create their own multi-service provider approach with tutors, teaching services, and therapists. Heritage argues that applying the cap to disabled students unable to enroll in private school conflicts with legislative intent to prioritize students with disabilities and is strongly at variance with experience in other states. The comptroller interprets the wording of Education Code, §29.361 to preclude combining the \$2,000 amount with additional amounts for children with a disability. Therefore, the comptroller declines to revise the rule based on these comments.

The comptroller received many comments regarding the requirement to secure an individualized education program to obtain the additional funding available to children with a disability under §16.407(b). TCCB and TPSA interpret proposed §16.403(b)(5) to require the issuance of an IEP prior to enrollment in the program. The commenters are concerned that the requirement would discriminate against children diagnosed with a disability after enrollment in the program and note that many diagnoses, such as dyslexia, do not manifest until 1st or 2nd grade. The commenters also note that interpreting Education

Code, §29.361(a)(2) to set the amount of special education funding for all future years would prevent additional special education funding for children diagnosed with a disability after their enrollment in the program. Commenters suggest applying the funding calculation for each enrollment year based on the amount that a public school would have received the prior year, both to avoid an unfair result and because the statute does not explicitly prohibit a child from getting additional funding simply because they're diagnosed after enrollment in the program. The comptroller agrees that the wording of Education Code, §29.361(a)(2) and §29.3615 leads to results not likely not intended by the legislature. For the 2026-2027 program year, by freezing IEP based funding at amounts applicable in the 2025-2026 school year, the IEP based funding for all students enrolling in this first program year will not be based on the new funding model for the 2026-2027 school year that provides increased funding based on IEP intensity. And, as commenters note, the statutory wording will also prevent increased IEP based funding for children with disabilities who obtain an IEP after program enrollment. The comptroller notes that most or all of this requirement's impact will not occur until the 2027-2028 school year, giving the legislature time to correct any unintended consequences. The comptroller adopts §16.403 adding subsection (c), renumbering subsequent subsections as necessary, to provide for a reasonable deadline to submit an IEP but, because the comptroller believes §16.407 to be consistent with the statutory requirements, declines to revise the rule based on these comments.

Arc, DRTx, TCASE, and TCDD request that proposed §16.407(b) specifically reference Education Code, §29.3615 because the procedures for the issuance of an IEP under this statutory provision may differ in some respects from the standard issuance of an IEP for a public school. Arc says the clarification would ensure funding calculations reflect statutory requirements and reduce confusion for families and schools. TCDD also believes omitting this reference could lead to inconsistent application of program funding and the misinterpretation of eligibility criteria. TCASE argues that law differentiates between IEPs created under Education Code, §29.3615 ("ESA IEP") and IEPs created for public school students ("PS IEP"), and contends the ESA program can only accept ESA IEPs. TCASE argues the differing purpose of each type will result in a different end product. They state the PS IEP is for the purpose of accessing a free and appropriate public education, and cite Education Code, §29.3615(c) to mean the ESA IEP is only for purposes of establishing the child's eligibility to participate in the program as a child with a disability. TCASE's June 2025 focus blog discussing Senate Bill 2 informs their membership of public school special education administrators that, under the IEP section of Senate Bill 2, "school districts are not required to write an IEP for children who are evaluated for special education. Instead, TCASE's understanding is that districts will be required to fill out a "checklist" of services that TEA can use to determine the child's ESA amount. Proposed rules to implement this troubling section of Senate Bill 2 will likely not be released until after the bill's effective date of Sept. 1." TCASE also argues the program should require IEPs both for prioritization and for calculating special education funding.

Other commenters disagree with TCASE. TPSA, in oral comments, stated many private schools that exclusively serve children with special needs are very eager to participate in the ESA program. TPSA stated some children get an IEP while attending public school in early grades, then transition to private school

for the remainder of their education, and encouraged the program to accept those PS IEPs regardless of timing. TPSA said that currently, many private school students are only able to get an FIEE and cannot get an IEP from public schools. Because of this, TPSA asked if FIEEs will suffice for increased funding. TPSA questioned whether it is logistically possible for children to get an IEP within the timeline of the application process. TPSA noted that requiring IEPs for the inaugural year will overburden local school districts and the program should endeavor to spread the workload to other qualified professionals. Every Kid, in oral comments, praised the program for proposing to allow a doctor's diagnosis for special needs students. Every Kid stressed the importance of having an alternative pathway because, in other states, requiring an IEP has been a limiting barrier for special needs students to participate. Dr. Hanson, owner of Oak Creek Academy for neurodivergent students from kindergarten through age 21, asked that IEPs be accepted regardless of the date issued because autism doesn't go away with age.

The comptroller notes that little time remains before the program's inaugural application period, and families will have difficulty obtaining an ESA IEP before the application period closes. If the comptroller adopted rules that require an ESA IEP for both prioritization and funding, as TCASE suggests, it could: prevent children with a disability from qualifying for special education prioritization for the 2026-2027 school year; prevent participating children, even those with a PS IEP, from receiving IEP based special education funding; and for participating children enrolling for the 2026-2027 school year who do not receive a PS IEP until after the 2026-2027 school year begins, would prevent them from ever receiving IEP based special education funding because the formula is tied to the amount available for the school year prior to initial program enrollment.

A review of Senate Bill 2 as a whole does not support TCASE's analysis. The legislature recognized the time consuming rule-making process could delay launching the program, and authorized the comptroller to use emergency rulemaking procedures for rules needed to launch by the 2026-2027 school year. If the legislature had intended for the program to only accept ESA IEPs, Senate Bill 2 would have also authorized TEA to use emergency rulemaking procedures for the inaugural year. Further, the legislature based the funding calculation on amounts that the child's school district would receive for that child under that child's IEP, making it unlikely the legislature intended ESA IEPs to contain disability and funding-related information that PS IEPs lack. And the reduction of special education participation that would result from TCASE's arguments would defeat clear legislative intent for this program to help special education students. Senate Bill 2 was enacted to provide additional educational options to assist families in this state in exercising the right to direct the educational needs of their children. Requiring ESA IEPs and preventing their availability for the inaugural year will deprive special needs families of this option. Senate Bill 2 prioritizes low income children with a disability, provides additional funding to support special needs students, and requires school districts to provide IEPs for non-public school students who were often able only to obtain FIEEs. For these reasons, the comptroller declines to specifically reference Education Code, §29.3615 in the funding formula.

AFC, Oak Creek, and TPPF request that, for the purpose of increased special education funding, the program accept not only an IEP issued under Education Code, §39.3615 but equivalent documents from other states and special education recognition through a different source, such as a diagnosis from a licensed

practitioner. TPPF and AFC argue that parents moving here from out of state should not be required to get a new Texas IEP. TPPF and AFC also suggest providing increased funding without an IEP by supplanting the IEP with a determination made by CPA in collaboration with TEA. One individual commenter concurs requesting that alternative documentation of a disability be accepted to qualify a student for the increased funding. Education Code, §29.356 does not require an IEP for application prioritization. In contrast, Education Code, §29.361(a)(2) explicitly requires an IEP. The IEP criteria, while generally shaped by federal law, are further shaped by each state, making evaluation criteria and disability determinations inconsistent across states. The comptroller therefore declines to revise the funding formula based on these comments, but as noted above, revises the proof accepted for prioritization to include an out of state IEP.

TxP2P notes that it is not uncommon for a private school to believe they can provide specialized services and admit a child with a disability only to begin charging additional tuition and fees over time as the school adds services to adequately address the student's needs. Autism Society and TxP2P ask that the rules address the disposition of IEP funding for a child with a disability if that student withdraws from a private school to be home-schooled or return to their local public school. Under Education Code, §29.361(a)(2), funding for a child with a disability is based on the child's enrollment status and the IEP. Education Code, §29.355(b)(3) states that a child who enrolls in a public school, including an open-enrollment charter school, is ineligible for the program and would not be entitled to funding. If a child with a disability withdraws from an approved private school to be home-schooled, the child's funding would be subject to the limitations under Education Code, §29.361(b-1). The comptroller believes that the rules already incorporate these statutory requirements, and therefore declines to revise the rules based on these comments.

Shelton asks whether a child with a disability who is issued an IEP under Education Code, §29.3615 that entitles the child to the full funding amount of up to \$30,000 will continue to receive that amount throughout the child's participation in the program. Oak Creek requests that the issuance of an IEP not be subject to an age requirement or particular timeline. Education Code, §29.361(a)(2) does not require a child with a disability to refresh an IEP at certain intervals. The comment does not appear to request a change, so the comptroller declines to revise the rule based on the comment.

Two commenters express concern that children with disabilities are not eligible to receive an IEP or that they must enroll in a public school to receive one. One commenter requests allowing for an alternative calculation based on statewide special education funding weights tied to a disability identified by a license professional, and Individualized Service Plan issued under IDEA, or an SSI/SSDI determination letter. Education Code, §29.361(a)(2) explicitly requires an IEP to calculate additional funding for a child with a disability. Further, Education Code, §29.3615 requires a school district to evaluate and generate an IEP for any student not enrolled in a public school. Because statute requires an IEP to calculate funding, the comptroller declines to revise the rules based on these comments.

The comptroller received comments on timing related to funding participant accounts. CtS, the Miles Foundation, and Primer request the extension of the initial funding date in §16.407(c) from July 1 to August 15 to account for the practical timelines by which parents make decisions regarding school selections. They state

a July 1 deadline will unnecessarily exclude children from the program. Primer states the July 1 funding deadline would operate as a de facto application deadline and argues the statutory authority to pro-rate funding for children who enroll in the program after the school year begins means the program must allow an application period for mid-year enrollment. The comptroller notes the application period is unrelated to the funding deadline and the requirement to pro-rate funding can also apply to waitlisted children who enroll mid-year. Because July 1 is not the application deadline, the comptroller declines to revise the rule based on these comments.

TCCB and TPSA interpret §16.407(b),(c) and (f) to effectively require verification of private school enrollment before July 1, and to limit the July 1 transfer to \$2,000 absent that verification. TCCB and TPSA suggest the rule make clear the importance of applying to private schools and private school acceptance before the July 1 deadline. They also suggest the rule clarify what happens to the remaining funding if a child intending to attend private school is not accepted by July 1. The comptroller notes that for the CEOA to transfer funds to participant accounts on July 1, the CEOA will need time before July 1 to verify private school enrollment. The program will make clear the importance of the summer deadlines on its website and in the student handbook. For transfers that must be delayed in order to meet other statutory requirements, such as verification of the information required for calculations, the program may continue to make the initial annual transfers in batches on later dates in July or August, or later if necessary. The comptroller notes that statute does not require reductions for transfers that don't meet the July 1 deadline, but does require proration of the annual amount for participants who enroll after the school year begins. The comptroller agrees that §16.407 limits the funding for participant accounts to \$2,000 absent verification of enrollment in an approved private school or an approved pre-kindergarten or kindergarten provider, and requires that the initial funding of at least 25% for participant accounts take place by July 1 of each year. The comptroller adopts §16.407 with changes to clarify that transfers are subject to verification, and verifications must be made before the July 1 transfers.

TASB requests clarification to proposed §16.407(f)(2) to specify how a CEOA will confirm a participating child's enrollment in private school and suggests the development of a standard enrollment-verification form for private schools to complete to ensure consistency. The CEOA's contract addresses the CEOA's responsibility for obtaining documents confirming the eligibility of participating children, and §16.405 outlines consequences for private schools and participants that fail to comply with such a program requirement. The comptroller believes that these mechanisms will result in accurate enrollment information and therefore declines to revise the rules based on this comment.

EEFLC requests clarity regarding the timing of payments for approved education-related expenses to providers of services that are provided over time. For example, the commenter asks when a provider that offers year-long classes may invoice the participant for services rendered. The comptroller understands the challenge that service providers may experience in this regard but believes that billing practices for services provided is a matter between the provider and the participant. Therefore, the comptroller declines to revise the rules based on this comment.

The comptroller also received one comment regarding the timing of payments for approved education-related expenses in proposed §16.407(g). Specifically, Every Kid requests that a CEOA

be required to verify a payment request for an approved expense within 10 business days and issue payment to the provider or vendor within 10 business days of verification or notify a participating parent within 10 business days if an expense cannot be verified. Education Code, §29.360(c) requires a CEOA to make payment to a provider or vendor within 10 business days of verifying that a payment request is for an approved expense but does not impose a timeline on the verification process or mandate notification to a participating parent. The comptroller's contract with the CEOA imposes detailed performance standards for payment services and is a more efficient and effective mechanism for managing this function. Therefore, the comptroller declines to revise the rule based on the comment.

The comptroller received one individual comment disagreeing with the rollover of funds in program accounts from one program year to the next under §16.407(i). This suggestion conflicts with Education Code, §29.361(e) and the comptroller declines to revise the rule based on this comment.

The comptroller received comments regarding the program participant, education service provider, and vendor of education-related products autonomy provision in proposed §16.408. Generally, TCCB indicates that thousands of Texas parents are counting on this new program to increase their access to the right educational setting for their children but express concern that any dilution of the religious liberty and institutional autonomy protections could undermine participation. Specifically, TCCB urges the comptroller to decline imposing requirements in the rules regarding vaccination status because doing so would violate Education Code, §29.368(b). The comptroller agrees and the rule adoption will respect the legislation's autonomy provision and will not add any vaccination related provisions.

LDF argues that §16.408(a) may cause confusion on whether private schools and certified educational assistance organization must comply with certain federal laws, and suggests the comptroller add rules addressing the application of equal protection and Title VI. The comptroller notes that a state administrative law cannot determine whether equal protection and Title VI apply to certain organizations. The comptroller declines to add the suggested provisions, but adopts §16.408(a) with a change to clarify the dangling modifier to avoid possible misinterpretation of that subsection.

One commenter asks that private schools be required to admit and serve students with disabilities, including providing or arranging nursing and health services such as feeding tubes and medication administration, unless they can demonstrate "an undue burden under clear standards." This commenter also asks that private schools be required to provide bilingual and English as a Second Language accommodation. Finally, this commenter asks that schools document and report any denial of admission under such circumstances. Oak Creek, a private school serving neurodivergent children, asks that they be permitted to implement treatment plans from neuropsychologists, pediatric psychologists, developmental pediatricians, and other specialists. Education Code, §29.368 prohibits the comptroller from adopting additional rules impacting a private school's admission standards, curriculum, or operations; nothing in either Senate Bill 2 or the proposed rules prohibits a private school from providing special services specific to the needs of their students. The comptroller declines to revise the rule based on these comments.

Two individual commenters expressed strong support for the protections proposed §16.408 provides, with one commenter requesting the rule explicitly state that participation in the program

does not convert a private entity to a state actor and to delineate that the state may not impose curriculum, admissions, or operational requirements beyond what the law already requires. One commenter stated that private schools must retain their independence without government interference in their operations, values, or teaching standards. The comptroller believes the proposed rule already contains the requested protections and therefore declines to revise the rule based on these comments.

The comptroller received several comments on §16.409 regarding a program participant's appeal right with respect to decisions affecting a participating child. Every Kid and First Day request that the rule be expanded to confer similar appeal rights on program providers and vendors. Every Kid also requests a more robust appeals process, including appointing an independent appeals officer to conduct such reviews within 30 days. SEF suggests developing an independent review board to monitor and investigate participant complaints. Education Code, §29.373, the statutory provision that establishes a program participant's appeal rights, does not include an analogous provision for providers or vendors. The same statutory provision vests the comptroller with the sole responsibility for moderating such disputes. Because these suggestions conflict with Education Code, §29.373, the comptroller declines to revise the rule based on these comments.

Two individual commenters request that appeal rights be expanded for participants to allow the reporting and resolution of claims involving denied admissions, discrimination, and expulsion from a private school based on disability-related needs, as well as to hear concerns regarding the quality of services being provided. One of these commenters suggests the appointment of a state-level Ombudsman to address these additional concerns. The comptroller understands the concerns but notes that Education Code, §29.368 prohibits any state agency from interfering with such decisions. Therefore, the comptroller declines to revise the rule based on these comments.

The comptroller received one comment on proposed §16.409(d) stating that participant appeals are not considered a contested case and are final. AFT believes that the statute is silent on this measure and, consequentially, the comptroller is bound by the terms of the Texas Administrative Procedures Act, which would presume such decisions are subject to judicial review. Education Code, §29.373(b) specifically states that appeals under the program are not considered to be contested cases. Therefore, the comptroller declines to revise the rule based on this comment.

The comptroller received several comments requesting the addition of future rules providing more specificity regarding advertising and marketing under Education Code, §29.3535. IDRA, TSTA, and one individual commenter ask that rules be adopted that prohibit promoting any specific provider or vendor and require acknowledgement by applicants of the special education notice required under Education Code, §39.367. The commenters also request that promotional materials for the program clearly advise applicants of the impact the provider autonomy provision under Education Code, §29.368 might have on admissions, discipline, methods of instruction, and codes of conduct and distinctly describe the lottery process for admission to the program and the importance of timely enrolling in a private school. The comptroller appreciates the concerns raised and is committed to providing clear, straightforward information to program participants. However, no changes will be made because these suggestions are beyond the scope of this rulemaking.

The comptroller received two comments regarding additional rules related to the processes and procedures governing audits under Education Code, §29.363. Every Texan asks that rules be adopted to provide detail on the documentation required of participants and to establish an online tool to facilitate submission of such documentation. One individual commenter requests additional specificity with respect to the protections to be implemented to prevent fraud and abuse of program funds. The comptroller values the commenters' concerns but believes the suggestions are outside the scope of the rule proposal, and that the proper forum to address these concerns lies with the program website, audit requirements, and other informational materials. The comptroller therefore declines to revise the rules based on these comments.

Another individual commenter asks that CEOs be subject to audits to confirm compliance with best practices in the holding and managing of program funds. The commenter also asks that these requirements be included in the evaluation criteria for the award of a contract and that the Chief Financial Officer of any organization awarded a contract attest to the organization's public money security plan. Proposed §16.402(a)(3) subjects CEOs to annual audits compliant with the requirements of Education Code, §29.363, which includes examination of the organizations' internal controls and compliance with program requirements, and the CEO's contract contains additional detailed audit requirements. The comptroller does not believe the rules are the appropriate forum to address the commenter's other concerns. The comptroller therefore declines to revise the rules based on these comments.

The comptroller received many comments requesting additional rules clarifying the program reporting obligations. EdTrust, Every Texan, Grandparents, IDRA, OSOD, SEF, TASB, Texas 2036, and TSTA ask that future rules specify the criteria and methodologies used to generate the reports required under Education Code, §29.371 and §29.3715 and to ensure the reports are comprehensive and accurate, providing the appropriate level of oversight to the program. Grandparents criticizes the rules for failing to address the accountability system to evaluate program outcomes. OSOD believes transparent reporting and public accountability are crucial to avoid the track record of questionable spending experienced by other states, such as the \$1 million spent on Legos in Arizona or the Disney World, Universal Studios, and SeaWorld tickets purchased in Florida. Texas 2036 suggests using a standardized template to help schools and students in responding to the surveys that the CEO will be circulating noting that both the "credential of value" and "median wage on a regionalized basis" definitions are highly complex and frequently change. IDRA specifically asks for new rules to address how to measure "the effect of the program on public and private school capacity and availability" (a comment echoed by Grandparents) and "the amount of cost savings accruing to the state as a result of the program." Every Texan and several individuals ask that the calculation for the "estimated statewide average amount of state and local funding per student in average daily attendance," by district including local and state funding totals and any recapture payments, be disclosed together with a timeline for when this disclosure will happen. TASB requests that the method used by the Texas Education Agency to determine the amount of funding available to children with a disability be published on the program website. Every Texan asks that future rulemaking disclose all qualified and non-qualified purchases made using program accounts and one individual commenter requests that gifts, grants, and donations dis-

closed under Education Code, §29.371(a)(7) include the name of each donor and the amount donated. GRH requests that the demographic report required by Education Code, §29.3715 include a district-level breakdown of students exiting a public school to participate in the program, indicating whether the student enrolled in a private school or participated in a homeschool program to assist policymakers to understand local enrollment impact and help with resource allocation. GRH, together with AFT and Every Texan, requests that the report provide categorization not only by students that are considered "educationally disadvantaged," but by the prioritization groupings in Education Code, §29.356(b)(2), ensuring that underserved students are being provided an educational choice. GRH argues this disaggregation will inform policymakers and the public how participation differs across income levels. Every Texan also asks that reporting inform the public whether participants were previously identified as special needs students. Grandparents and an individual commenter ask that, to ensure fairness, the report gather complete student demographic data, including each student's race, family income, home language, and disability status. LDF and SEF complain the rules do not address the administration of data collection and reporting and urges the comptroller to promulgate rules that require additional data collection and specific disaggregated reporting. Many individual commenters request that the prior school and family income of program participants be disclosed. Every Texas requests that information on a participant's prior school environment be disclosed. Two individual commenters ask that the comptroller collect and publish data on how students with disabilities and emergent bilinguals are being served, including detail on admissions and denials, accessibility compliance, and services offered. One individual commenter requests that private schools participating in the program annually publish an impact report showing student growth metrics, such as graduation rates, academic growth, and readiness for postsecondary opportunities, and Texas 2036 asks that this information be annually provided to the Education Research Center so that taxpayers can access information indicating whether program participants are "better or worse off." The Bush Institute suggests requiring schools to share clear details about how to enroll, requirements for admission, and how many spots are available by grade, suggests making assessment data from schools easy for parents to find and understand, and suggests the program ensure information about the program is clear, timely, and well-publicized. OSOD and one individual commenter ask that the comptroller publish the total number of participating students, total dollars distributed, and breakdowns of spending by major category, the amount distributed to each school, provider, and vendor, the audit results for each year, including the amounts recovered from ineligible expenditures, and the amounts retained by the comptroller or paid to CEOs for administration of the program. The commenter also requested that such data include regional and demographic information so that the public could see where funds were being distributed across the state. OSOD also asks that the comptroller provide regular reports evaluating whether providers and vendors are charging participants services and products at market value and public reporting of any provider or vendor suspended from the program and the reason for such suspension. Every Kid requests publication of a comparison of CEOs that provides satisfaction ratings and performance metrics, and monthly reporting of prioritization decisions. TASB recommends rules with criteria or methodology for participant satisfaction, the effect on public and private school capacity, the biennial funding estimate, and the validation of self-reported data, and asks that the names of all donors be

included in the report. TASB argues methodology for the biennial funding estimate is important to prevent waiting list abuse and to provide reliable information. TASB asks that rules be adopted to establish a mechanism such as annual disclosure forms subject to audit to verify provider and vendor compliance with the prohibition on rebates or refunds to program participants contained in Education Code, §29.365(b). OSOD and TASB also ask that, despite the requirement under Education Code, §29.371(c) that annual reports cover a period of not less than five years, interim reports be generated by the comptroller, stating that otherwise, the public and the legislature would lack information on the expenditure of taxpayer dollars until 2031. GRH also requests that the report, for consistency, mirror the format of the Texas Education Agency's Public Education Information Management System Transfer Report, including using Unique Identification numbers established by the agency, stating data alignment will ensure comparability and more accurate analysis. One individual commenter requests private schools share clear details about how to enroll, requirements for admission, and how many spots are available by grade and one commenter asks for publication of a list of approved providers and vendors. The comptroller appreciates the concern about transparency and reporting, and will comply with statutory reporting and audit requirements. However, these requested additions are outside the scope of the proposed rules, are not a logical outgrowth of the proposal, and would materially alter the issues raised in the proposed rules. Such an adoption would deprive affected parties of fair notice and the opportunity for meaningful and informed participation in the rulemaking process. *See Tex. Workers' Comp. Comm'n v. Patient Advocates*, 136 S.W.3d 643 (Tex. 2004). The comptroller declines to change the rules in response to these comments.

The comptroller received comments from one individual disagreeing with the veracity of the fiscal note and asking that it be replaced by the Legislative Budget Board analysis listing categories of program costs. The comptroller notes that program costs result from the legislation and were covered by the fiscal note for Senate Bill 2.

The comptroller received one comment from ATPE requesting notification to school districts when a student enters or exits the program. The commenter notes that to comply with compulsory attendance laws school districts may spend significant time and resources each year tracking down children participating in the program. Further, without accurate enrollment projections, districts cannot plan class sizes and staffing needs effectively. The comptroller appreciates that such information may help districts make sound staffing and class size decisions, but notes this comment is outside the scope of this rulemaking.

The comptroller received one individual comment asking that all program notices, information, applications, and forms be made available to applicants in families' home language. This suggestion is outside the scope of this rulemaking, but the comptroller notes the CEO is contractually required to provide customer support in both English and Spanish.

The new sections are adopted under Education Code, §29.372, which authorizes the comptroller to adopt rules to implement, administer, and enforce Education Code, Chapter 29, Subchapter J.

The new sections implement Education Code, Chapter 29, Subchapter J, concerning the education savings account program.

§16.401. *Definitions.*

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Agency--The Texas Education Agency.
- (2) Application period--The period that the program is open to receive applications.
- (3) Assessment instrument or academic assessment--A nationally norm-referenced test evaluating academic aptitude or a test consistent with the requirements under Education Code, Chapter 39, Subchapter B, including an alternative assessment administered to a child with a disability. For this subchapter, a "nationally norm-referenced test" requires that the test compare a child's performance to the performance of comparable children throughout the United States.
- (4) Campus--A building, set of buildings, or other property owned or controlled by a private school, including a virtual campus, and used by the institution in direct support of, or in a manner directly related to, the provision of educational instruction.
- (5) Certified educational assistance organization--As defined by Education Code, §29.351(2), an organization certified under Education Code, §29.354, to support the administration of the program.
- (6) Child with a disability--As defined by Education Code, §29.351(3), a child who is eligible to participate in a school district's special education program under Education Code, §29.003.
- (7) Comptroller--The Texas Comptroller of Public Accounts.
- (8) Education service provider or provider--An approved private school, or an approved private provider of a prekindergarten or kindergarten program.
- (9) Educational therapies--Treatment provided to a participating child by or at the direction of a licensed physician or licensed therapist to address the academic performance of a participating child.
- (10) Good standing--A participating parent, participating child, education service provider, or vendor of educational products or services shall be considered in good standing with the program by complying with all applicable program requirements and applicable law.
- (11) Higher education provider--As defined by Education Code, §29.351(4), an institution of higher education or a private or independent institution of higher education, as those terms are defined by Education Code, §61.003.
- (12) Industry-based credential--A credential listed on the agency's most recently published Industry-Based Certification List for Public School Accountability.
- (13) Instructional materials--Printed or digital materials, supplies, or equipment that convey educational information to a student, assists another in conveying educational information to a student, or otherwise contributes to a student's learning process.
- (14) Located in this state--A physical location in the state of Texas, whether a campus or administrative office, where the private school or private provider of a prekindergarten or kindergarten program employs one or more Texas residents sufficient to enable the program's operations and enforcement, including compliance with the program's audit requirements.
- (15) Online educational course or program--A subject-specific instructional offering in which instruction and content are delivered synchronously or asynchronously primarily over the Internet.

(16) Parent--As defined by Education Code, §29.351(5), a resident of this state who is a natural or adoptive parent, managing or possessory conservator, legal guardian, custodian, or other person with legal authority to act on behalf of a child.

(17) Participating child--As defined by Education Code, §29.351(6), a child enrolled in the program.

(18) Participating parent--The parent who applied to participate in the program under Education Code, §29.356, on behalf of their child.

(19) Program--As defined by Education Code, §29.351(8), the program established under Education Code, Chapter 29, Subchapter J.

(20) Program participant--As defined by Education Code, §29.351(9), a participating child or a participating parent.

(21) Program year--The period from July 1 of one year through June 30 of the next year.

(22) Secretary--The Texas Secretary of State.

(23) Sibling--A brother, sister, stepbrother, stepsister, half-brother, half-sister, or a foster brother or sister who is a dependent of the participating parent and has been placed with the participating parent by an authorized placement agency or by judgment, decree, or other order of a court of competent jurisdiction.

(24) Total annual income--The adjusted gross income for federal income tax purposes or its estimated equivalent of the child's parents or, if only one parent qualifies to claim the child as a dependent, the adjusted gross income for federal income tax purposes or its estimated equivalent of the parent who qualifies to claim the child as a dependent.

(25) Tuition and fees--The standard amount imposed on all students under §16.406(1) of this subchapter for teaching and instruction, including application fees, registration fees, and course specific fees to the extent related to educational instruction.

(26) Vendor of educational products or services or vendor--A vendor approved to receive money from the program for providing products or services that are approved education related expenses. The term excludes an approved private school or an approved private provider of a prekindergarten or kindergarten program.

§16.402. Certified Educational Assistance Organizations.

(a) To be selected as a certified educational assistance organization by the comptroller, an organization must:

(1) be registered with the secretary to do business in this state;

(2) have the right to transact business in this state and comply with all tax filing, collection, and payment requirements imposed by the state of Texas;

(3) comply with the audit requirements under Education Code, §29.363, by providing to a private entity under contract with the comptroller or to the state auditor, as applicable:

(A) the organization's internal controls over program transactions;

(B) confirmation that residency documentation specified under Education Code, §29.355(a-1), for each child admitted to the program and served by the organization during the applicable program year was verified by the organization; and

(C) any other information or documentation related to a program transaction;

(4) establish and maintain cybersecurity controls and processes satisfactory to the comptroller, including best practices developed under Government Code, §2054.5181;

(5) comply with all applicable state and federal confidentiality and privacy laws, including the Family Educational Rights Privacy Act of 1974 (20 U.S.C. §1232g); and

(6) comply with all program requirements under Education Code, Chapter 29, Subchapter J.

(b) A certified educational assistance organization must have the ability to perform one or more of the services listed in Education Code, §29.354.

(c) On or before every October 1 and February 1, or as additionally requested by the comptroller, each certified educational assistance organization shall comply with the requirements under §29.362(d), Education Code, for each participating child served by the organization.

§16.403. Program Participation.

(a) A child is eligible to participate in the program if, during program participation:

(1) the child is eligible to either attend a public school, including an open-enrollment charter school, under Education Code, §25.001, or a free prekindergarten program offered by a public school or open-enrollment charter school to certain children under Education Code, §29.153;

(2) the child is not enrolled in a public school, including an open-enrollment charter school, or a prekindergarten program of a public school, including an open-enrollment charter school;

(3) the child is a citizen or national of the United States or has been lawfully admitted to the United States;

(4) the child has not been declared ineligible for the program under Education Code, §29.364; and

(5) the child has not graduated from high school.

(b) To apply for participation in the program, the child's parent must submit a comptroller-approved application to the designated certified educational assistance organization during the application period. The application must be accompanied by:

(1) authorization to allow electronic verification that, or documentary proof that the child is a citizen or national of the United States or was lawfully admitted into the United States, including being a legal permanent resident, in a format acceptable to the comptroller and subject to verification by the comptroller, such as a copy of one of the following for the child: a birth certificate issued in the United States or one of its territories, a certificate of United States naturalization, a certificate of United States citizenship, a United States Consular Report of Birth Abroad, a United States passport, a Legal Permanent Resident Card, an order or judicial decision issued from the Executive Office of Immigration Review, or other documentation issued by the Department of Homeland Security affirming lawful admission;

(2) authorization to allow electronic verification of, or documentary proof of the child's current residency in this state as established by one of the following documents specified under Education Code, §29.355(a-1): a utility bill, lease or mortgage statement, driver's license or state identification card, voter registration card, letter from a government agency in the United States, or notarized affidavit of residency;

(3) authorization to allow electronic verification of, or documentary proof of, total annual income, such as an Internal Revenue

Service transcript of a federal tax return, Texas Workforce Commission data, the most recently filed federal tax returns or other documentation requested by the program to determine and verify total annual income;

(4) an agreement and certification under penalty of perjury by the participating parent that they will:

(A) only request the payment of program money for approved education-related expenses under Education Code, §29.359;

(B) not attempt to withdraw cash or seek reimbursement from the child's account;

(C) refrain from selling items purchased with program money;

(D) for a participating child in grades 3 through 12 enrolled in a private school that is an approved education service provider, provide or authorize and instruct the administrator of assessment instrument administered to a child under Education Code, §29.358, to provide the results of such assessment to the certified educational assistance organization responsible for that child by the end of the program year during which the assessment is administered;

(E) comply with the audits requirements under Education Code, §29.363, by providing to a private entity under contract with the comptroller or to the state auditor any information or documentation related to a program transaction; and

(F) no later than 30 calendar days from the date the child enrolls in a public school, including an open-enrollment charter school, or otherwise becomes ineligible to participate in the program, provide written notification to the program in a comptroller-approved format and will cease requesting distributions from the child's account for any expense incurred on and after the date the child is no longer eligible to participate in the program;

(5) for a child to be considered a child with a disability for purposes of prioritization under Education Code, §29.356:

(A) proof of eligibility to participate in a school district's special education program under Education Code, §29.003, by meeting an eligibility definition described by 19 TAC §89.1040 that is submitted in a comptroller-prescribed format and signed by one or more licensed professionals qualified to attest that the child meets the applicable eligibility definition, for a child moving to this state from another state, submitted in the form of an individualized education program created by a school district in another state for that child and verified by that state or school district, or submitted in the form of a full individual and initial evaluation of the child conducted by a school district under Education Code §29.004; or

(B) authorization to verify with the agency that an individualized education program has been issued by a school district or open-enrollment charter school for the child; and

(6) for a child to be considered eligible to enroll in a school district's or open-enrollment charter school's prekindergarten program under Education Code, §29.153, authorization to allow electronic verification that, or documentary proof that, the child will be between 3 and 5 years of age on September 1 of the following school year and:

(A) is unable to speak and comprehend the English language;

(B) is educationally disadvantaged as defined by Education Code, §5.001(4);

(C) is homeless, regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control of the child;

(D) is the child of an active-duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;

(E) is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty;

(F) is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing held as provided by Family Code, §262.201, or foster care in another state or territory, if the child resides in this state;

(G) is the child of a person eligible for the Star of Texas Award as a peace officer under Government Code, §3106.002, a firefighter under Government Code, §3106.003, or an emergency medical first responder under Government Code, §3106.004; or

(H) is the child of a person employed as a classroom teacher at a public primary or secondary school in the school district that offers a prekindergarten class under Education Code, §29.153.

(c) For the purpose of calculating the amount to be transferred to the account of a child with a disability under Education Code, §29.361, the applicant must submit authorization to verify with the agency that an individualized education program has been issued by a school district for the child. The program may establish a deadline for verification of an individualized education program with the agency for the purpose of calculating funding under Education Code, §29.361(a)(2), and the deadline may be as early as practicable to efficiently determine funding amounts for children accepted into the program.

(d) A participating parent is not required to reapply, but must be in good standing and provide notice in a comptroller-approved format to a designated certified educational assistance organization during the application period if the parent intends for their participating child to continue to participate in the program the following program year. To the extent there are available positions, such a child shall be admitted to the program for the following program year prior to the approval of applications under subsection (f) of this section.

(e) Information shared with a certified educational assistance organization by the agency, a school district, or an open-enrollment charter school to determine a child's eligibility to participate in the program, including a child's public school enrollment status and whether the child can be counted toward a public school's average daily attendance for purposes of the allocation of funding under the foundation school program, shall be held consistent with all applicable federal and state confidentiality and privacy requirements, shall not be sold or otherwise distributed, and shall not be retained beyond the period necessary to determine a child's eligibility.

(f) Acceptable applications for admission to the program received during an application period shall, at the direction of the comptroller, be:

(1) separated into the following categories:

(A) siblings of participating children;

(B) children to whom subparagraph (C) of this paragraph does not apply; and

(C) children who previously ceased participation in the program by enrolling in a public school, including an open-enrollment charter school;

(2) separated within each group established under paragraph (1) of this subsection into the following subcategories as described by Education Code, §29.356(b)(2):

(A) children with a disability who are members of a household with a total annual income that is at or below 500% of the federal poverty guidelines;

(B) children who are members of a household with a total annual income that is at or below 200% of the federal poverty guidelines;

(C) children who are members of a household with a total annual income that is above 200% of the federal poverty guidelines and below 500 percent of the federal poverty guidelines; and

(D) children who are members of a household with a total annual income that is at or above 500% of the federal poverty guidelines;

(3) sequentially ordered by lottery within each resulting subcategory if more eligible applications are received than available slots during an application period, with siblings applying during the same application period being considered together in the first subcategory for which one of the siblings qualifies;

(4) subject to Education Code, §29.3521(d), which limits admission of children under paragraph (2)(D) of this subsection to 20% of the amount appropriated for the school year, approved for admission to the program in the order established under paragraph (3) of this subsection until available funds calculated under §16.407(a) of this subchapter have been exhausted based on the total annual amount calculated under Education Code, §29.361, for each child admitted; and

(5) to the extent not approved for admission under paragraph (4) of this subsection, placed on a waiting list in the order established under paragraph (3) of this subsection.

(g) Subject to Education Code, §29.3521(d), which limits admission of children under subsection (f)(2)(D) of this section to 20% of the amount appropriated for the school year, if additional funds become available, applications for children on the waiting list may be approved for admission to the program in the order established under subsection (f)(5) of this section, with funding of the child's account to be prorated for the remaining months of the program year beginning on the first day of the month following the month of approval. When implementing waiting list admissions, and after considering relevant factors including enabling program participation, administrative complexity, costs, and delays, the program may:

(1) determine time periods for waiting list admissions;

(2) provide reasonable deadlines for applicant response and enrollment; and

(3) for each new application period, determine what information from the previously-submitted application must be updated and confirmed.

(h) As soon as practicable after making a waiting list implementation determination under subsection (g) of this section, the program must post the determination on the program's internet website and add the information to the next handbook publication.

§16.404. Education Service Providers and Vendors of Educational Products.

(a) To be approved as an education service provider or vendor of educational products or services by the comptroller, a provider or vendor must submit a comptroller-approved application and:

(1) if an education service provider, be located in this state;

(2) if a vendor of products or services, be registered with the secretary to do business in this state;

(3) have the right to transact business in this state by complying with all tax filing, collection, and payment requirements imposed by the state of Texas; and

(4) agree and certify under penalty of perjury that the provider or vendor will:

(A) accept orders and money from the program only for education-related expenses approved under Education Code, §29.359;

(B) subject to subsection (b) of this section, not charge a program participant for services or products paid for by the program, including tuition and fees, in an amount greater than or in addition to the established standard amount charged to all others for that service or product by the provider or vendor;

(C) not accept program money for a service or product to the extent the service or product is not provided;

(D) not rebate, refund, or credit to or share program money with a program participant or any person on behalf of a program participant;

(E) promptly return any money received in violation of program rules or other relevant law to the comptroller or designated certified educational assistance organization for deposit into the program fund;

(F) ensure that each person who will interact with a participating child by reason of their employment with the provider or vendor, including in person, online, or electronic interactions, is not identified as having engaged in misconduct described by Education Code, §22A.051(a)(2)(A), (B), (C), or (D), by:

(i) using the interagency reportable conduct search engine established under Health and Safety Code, Chapter 810; or

(ii) if the interagency reportable conduct search engine established under Health and Safety Code, Chapter 810, has not been established, using the registry established under Education Code, §22A.051;

(G) comply with the audits requirements under Education Code, §29.363, by providing to a private entity under contract with the comptroller or to the state auditor information or documentation related to a program transaction;

(H) notify the comptroller or designated certified educational assistance organization not later than the 30th calendar day after the date that the provider or vendor no longer meets the program requirements; and

(I) abide by all other program requirements.

(b) A private school may charge different standard amounts of tuition and fees for categories of students if those categories are unrelated to program participation.

(c) An approved provider of supplemental special education services under Education Code, Chapter 29, Subchapter A-1, in good standing with the agency shall be approved as a vendor of educational products or services for the program.

(d) A private school shall be approved as a provider by permitting electronic verification of, if available, or submitting proof of:

(1) accreditation by an organization recognized by the Texas Private School Accreditation Commission or agency;

(2) annual administration of an assessment instrument to participating children in grades 3 through 12;

(3) continuous operation of a campus, regardless of whether located in this state, for at least two school years preceding the date the school seeks approval; and

(4) that the school is located in this state.

(e) For a private school that operates more than one campus in this state, including a virtual campus, approval to participate extends only to a campus that is:

(1) operated by that school; and

(2) covered by the accreditation that the school submitted under subsection (d)(1) of this section or covered by another accreditation by an organization recognized by the Texas Private School Accreditation Commission or agency.

(f) A public school or open-enrollment charter school shall be approved as a vendor of educational products or services by permitting electronic verification of, if available, or submitting proof of accreditation by the agency and demonstrating the ability to provide services or products to participating children in a manner such that the children are not counted toward the district's or school's average daily attendance.

(g) A higher education provider shall be approved as a vendor of educational products or services by permitting electronic verification of, if available, or submitting proof of a nationally recognized postsecondary accreditation.

(h) A private provider of a prekindergarten or kindergarten program shall be approved as an education service provider by permitting electronic verification of, if available, or submitting proof that the provider meets the requirements of Education Code, §29.171 and is located in this state;

(i) A private tutor, therapist, or employee of a teaching service shall be approved as a vendor of educational products or services by permitting electronic verification of, if available, or submitting proof that:

(1) the individual providing the service to the child is not required to be discharged or refused to be hired by a school district under Education Code, §22A.157, and has not engaged in misconduct described by Education Code, §22A.052(b)(1), by obtaining a complete national criminal history record review in an acceptable format and dated within 30 days of the application;

(2) the individual providing the service to the child is not included in the registry under Education Code, §22A.151;

(3) if a tutor or employee of a teaching service:

(A) is an educator employed by or a retired educator formerly employed by a school accredited by the agency, an organization recognized by the agency, or an organization recognized by the Texas Private School Accreditation Commission;

(B) holds a relevant license or accreditation issued by a state, regional, or national certification or accreditation organization; or

(C) is employed in or retired from a teaching or tutoring capacity at a higher education provider; and

(4) if a therapist, the individual providing the service possesses a current, relevant license or accreditation issued by a state, regional, or national certification or accreditation organization.

(j) To be approved as a vendor of products or services under Education Code, §29.358(b-1), a vendor must comply with subsection (a) of this section and must:

(1) if a vendor of an online educational course or program under Education Code, §29.359(A)(1)(C), permit electronic verification of, if available, or submit proof that each person who will interact with a participating child by reason of their employment with the vendor, including in person, online, or electronic interactions, is not required to be discharged or refused to be hired by a school district under Education Code, §22A.157, and has not engaged in misconduct described by Education Code, §22A.052(b)(1), by obtaining a complete national criminal history record review in an acceptable format and dated within 30 days of the application;

(2) if a vendor of an academic assessment under Education Code, §29.359(4), comply with Education Code, §29.357(b); or

(3) if a vendor of transportation services under Education Code, §29.359(6), permit electronic verification of, if available, or submit proof that:

(A) each person who will interact with a participating child by reason of their employment with the vendor, including in person, online, or electronic interactions, is not required to be discharged or refused to be hired by a school district under Education Code, §22A.157, and has not engaged in misconduct described by Education Code, §22A.052(b)(1), by obtaining a complete national criminal history record review in an acceptable format and dated within 30 days of the application; and

(B) each person providing such transportation services holds a valid Texas driver's license required for the transportation service provided.

(k) Money transferred by the program to a participating child's account may not be used to pay any individual related to the participating child within the third degree by consanguinity or affinity, as determined under Government Code, Chapter 573. For the purpose of this subsection, a payment to an entity, other than a sole proprietorship owned by the individual or a partnership of which the individual is a partner, is not a payment to an individual related to the participating child.

§16.405. Suspension of Program Participation.

(a) A program participant's account shall be suspended from use any time the participant fails to comply with any program requirement or other applicable law. An education service provider or vendor of educational products or services shall immediately be suspended from participating in the program at any time the provider or vendor fails to meet the eligibility requirements or fails to comply with any program requirement or other applicable law.

(b) On suspension under subsection (a) of this section, the comptroller or a designated certified educational assistance organization shall notify the participating parent, education service provider, or vendor of educational products or services in writing both by first-class mail and email that the participant's ability to use their account, or provider's or vendor's right to participate in the program, has been suspended and that no purchases or payments may be made on or after the date of suspension. The notification must specify the grounds for the suspension, any corrective action required, and notice that the participant, provider, or vendor has 30 calendar days from the date of the notification to respond and comply with any corrective actions required.

(c) On the expiration of the 30-calendar-day period under subsection (b) of this section, or earlier if a response has been received and any corrective action completed, based on the severity of the violation,

the response and actions taken by the program participant, education service provider, or vendor of educational products or services, and the risks to the integrity of the program, at the comptroller's discretion:

(1) the comptroller may permanently close the participant's account thereby removing the participant from the program or permanently remove the education service provider or vendor of educational products or services from the program if the participant, provider, or vendor has failed to respond or fully comply with the required corrective action by the deadline specified under subsection (b) of this section;

(2) the comptroller or a designated certified educational assistance organization may temporarily reinstate the participant's account, or temporarily reinstate the provider or vendor for 30 calendar days and allow purchases or payments to resume, conditioned on successful performance of additional corrective action; or

(3) the comptroller or a designated certified educational assistance organization may reinstate the participant's account, or reinstate the provider or vendor for participation in the program if the participant, provider, or vendor has fully complied with the required corrective action.

(d) On the expiration of the 30-calendar-day period under subsection (c)(2) of this section, based on the severity of the violation, the response and actions taken by the program participant, education service provider, or vendor of educational products or services, and the risks to the integrity of the program, and at the comptroller's discretion:

(1) the comptroller may permanently close the participant's account thereby removing the participant from the program or permanently remove the provider or vendor from the program if the participant, provider, or vendor has failed to fully comply with the required corrective action; or

(2) the comptroller or a designated certified educational assistance organization may reinstate the participant's account, or reinstate the provider or vendor for participation in the program if the participant, provider, or vendor has fully complied with the required corrective action.

(e) On removal under this section, the comptroller shall notify the program participant, education service provider, or vendor of educational products or services and each certified educational assistance organization that facilitates program purchases that the participant, provider, or vendor may no longer participate in the program. If the comptroller has evidence of fraud or any other violation of law by a participant, provider, or vendor, the comptroller shall notify the appropriate local county or district attorney with jurisdiction over the participant, provider, or vendor.

(f) A decision to permanently close a participant's account under this section thereby removing them from participation in the program is appealable under §16.409 of this subchapter. All other decisions made under this section are final and not subject to appeal.

§16.406. Approved Education-Related Expenses.

Program money may be used only at an approved provider for the following education-related expenses of a participating child:

(1) tuition and fees paid to a private school, higher education provider, online educational course, or industry-based training program that provides credit towards a high school diploma or industry-based credential;

(2) uniforms required by a private school, higher education provider, or industry-based training program in which the child is enrolled;

(3) textbooks and instructional materials;

(4) fees for classes or other educational services provided by a public school, including an open-enrollment charter school, if the classes or services do not qualify the child to be included in the district's or school's average daily attendance;

(5) costs related to assessment instruments for the child;

(6) fees for educational services provided by a private tutor or teaching service to the child;

(7) fees for educational therapies or services provided to the child to the extent not covered by government benefits or by private insurance or provided by a public school, including an open-enrollment charter school;

(8) costs related to transportation provided to the child by a commercial, fee-for-service provider for travel to and from an education service provider or vendor of educational products or services;

(9) the cost of computer hardware and software and other technological devices required by an education service provider or vendor of educational products or services or prescribed by a physician to facilitate the child's education, not to exceed in any year 10% of the total amount allocated to the participating child's account for the program year; and

(10) the cost of breakfast or lunch provided by a private school to the child during the school day.

§16.407. Program Administration.

(a) Each program year, the comptroller shall calculate the amount available to fund accounts of participating children based on amounts appropriated and other available program funds.

(b) Each school year that a child participates in the program, as directed by Education Code, §29.361(a)(1), a total amount shall be transferred to the child's program account equal to 85% of the estimated statewide average amount of state and local funding per student in average daily attendance for the most recent school year for which that information is available. Subject to the \$30,000 limitation under Education Code, §29.361(b), an additional amount shall be transferred to the account of a child with a disability equal to the amount a school district in which the child would otherwise be enrolled would be entitled to receive for the child calculated based on the child's individualized education program and the provisions of Education Code, Chapter 48, that provide funding based on a child's participation in a school district's special education program under Education Code, Chapter 29, Subchapter A, applicable for the school year preceding the school year in which the child initially enrolls in the program. The amount transferred to the account of a participating child who is not enrolled in a private school or a private provider of a prekindergarten or kindergarten program that is an approved education service provider may not exceed the \$2,000 limitation specified under Education Code, §29.361(b-1). Any award of additional program funds based on changes in participant status during a school year is subject to the availability of program funds.

(c) No later than July 1 of each program year or as soon thereafter as appropriated funds become available, the comptroller shall make payments to a certified educational assistance organization for each participating child served by the organization equal to at least one-quarter of the total annual amount calculated under subsection (b) of this section for that child. Subject to subsection (f) of this section, the organization shall immediately deposit the amount received for each child under this subsection into the account established for that child.

(d) No later than October 1 of each program year or as soon thereafter as appropriated funds become available, the comptroller shall make additional payments to a certified educational assistance

organization for each participating child served by the organization to the extent necessary to ensure payments for that program year equal at least one-half of the total annual amount calculated under subsection (b) of this section for that child. The organization shall immediately deposit the amount received for each child under this subsection into the account established for that child.

(e) No later than April 1 of each program year or as soon thereafter as appropriated funds become available, the comptroller shall make additional payments to a certified educational assistance organization for each participating child served by the organization to the extent necessary to ensure payments for that program year equal the total annual amount calculated under subsection (b) of this section for that child. The organization shall immediately deposit the amount received for each child under this subsection into the account established for that child.

(f) A certified educational assistance organization shall not make any amount available to a child's program account prior to:

(1) verifying that the child remains eligible for the program under Education Code, §29.355; and

(2) confirming enrollment at an approved education service provider that is a private school or a private provider of a prekindergarten or kindergarten program, if applicable.

(g) Program participants shall purchase approved education-related expenses for a participating child using a comptroller-approved payment system accessible through the program's Internet website. To the extent a purchase request is verified to be for an approved education-related expense from a provider in good standing for a participating child in good standing and the total amount of the purchase does not exceed the child's account balance, the certified educational assistance organization serving the child shall approve the purchase and deduct the total amount of the purchase from the child's account.

(h) An approved education service provider or vendor of educational products or services shall refund to the certified educational assistance organization any payment received for services that are not provided in full or for products that are returned for a refund. Any refund received by the program from a provider or vendor shall be deposited into the account of the participating child to be available for future purchases of approved education-related expenses.

(i) Money remaining in a participating child's account at the end of a program year shall be carried forward to the next program year, provided:

(1) the child remains eligible for the program under Education Code, §29.355;

(2) the participating parent has provided notice under Education Code, §29.356(i)(1), that the child will continue participation in the program for the next program year; and

(3) the program participant has not been declared ineligible for participation in the program under Education Code, §29.364.

(j) On the date a participating child is no longer eligible to participate in the program and any pending payments for approved education-related expenses have been completed, the certified educational assistance organization responsible for the participating child's account shall close the account and any money remaining in the account shall be returned to the comptroller for deposit into the program fund for purposes of the program.

§16.408. Program Participant, Provider, and Vendor Autonomy.

(a) An education service provider or vendor of educational products or services that receives money distributed under the program

is not a recipient of federal financial assistance on the basis of receiving that money, and may not be considered to be a state actor on the basis of receiving that money.

(b) state agency or state official may not adopt a rule or take other governmental action related to the program and a certified educational assistance organization may not take action that:

(1) limits or imposes requirements that are contrary to the religious or institutional values or practices of an education service provider, vendor of educational products or services, or program participant; or

(2) limits an education service provider, vendor of educational products or services, or program participant from freely:

(A) determining the methods or curriculum to educate students;

(B) determining admissions and enrollment practices, policies, and standards;

(C) modifying or refusing to modify the provider's, vendor's, or participant's religious or institutional values or practices, operations, conduct, policies, standards, assessments, or employment practices based on the provider's, vendor's, or participant's religious values or practices; or

(D) exercising the provider's, vendor's, or participant's religious or institutional practices as the provider, vendor, or participant determines.

§16.409. Appeals.

(a) The participating parent of a participating child may appeal decisions made by the program related to that child.

(b) The participating parent must provide the comptroller written notice of appeal under subsection (a) of this section by email or at the physical address for such appeals listed on the program's Internet website within 30 calendar days of the date of the notice of decision to be appealed.

(c) The notice of appeal under subsection (b) of this section must be in a comptroller approved format and must include:

- (1) the name of the participating child;
- (2) a brief statement of the facts; and
- (3) the basis for overturning the decision.

(d) The comptroller may request additional information if needed, and shall respond to the notice of appeal within 30 calendar

days after the date the notice and any additional requested information was received by the comptroller with a final decision explaining the basis for the decision. An appeal under this section is not a contested case and a decision of the comptroller under this section is final and not subject to further appeal.

§16.410. Notice.

(a) Except as otherwise provided in this subchapter, any notice to a program participant required under this subchapter may be provided electronically to the email address provided by the program participant. If notice cannot be sent electronically, the comptroller or certified educational assistance organization shall provide notice by regular United States mail to the mailing address on file for the program participant. It is the responsibility of the participant to maintain up-to-date contact information with the program.

(b) Service of notice required under this subchapter by the comptroller or certified educational assistance organization to a program participant, education service provider, or vendor of educational products or services is deemed complete and received upon:

(1) the date the notice is sent, if sent by email before 5:00 p.m. Central Standard Time;

(2) the date after the notice is sent, if sent by email after 5:00 p.m. Central Standard Time; or

(3) three business days after the date it is postmarked, if sent by regular United States mail.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on November 25, 2025.

TRD-202504341

Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

Effective date: December 15, 2025

Proposal publication date: August 22, 2025

For further information, please call: (512) 475-2220





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

Texas Department of Agriculture

Title 4, Part 1

The Texas Department of Agriculture (Department) files this notice of intent to review Texas Administrative Code, Title 4, Part 1, Chapter 11, comprised of §§11.1 - 11.4, 11.20 - 11.22, and 11.40 - 11.43. This review is being conducted in accordance with the requirements of Texas Government Code, §2001.039 (Agency Review of Existing Rules).

The Department will consider whether the initial factual, legal, and policy reasons for adopting each rule continue to exist and whether these rules should be repealed, readopted, or readopted with amendments.

Comments relating to this rule review may be submitted by mail to Richard De Los Santos, Director of the Texas Office of Produce Safety, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711-2847 or by email to ProduceSafety@TexasAgriculture.gov. The deadline for public comments is no later than 30 days after the date of publication of this notice in the *Texas Register*.

TRD-202504336
Susan Maldonado
General Counsel
Texas Department of Agriculture
Filed: November 25, 2025

Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025

The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 253 Definitions, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504373
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025

Texas Commission on Jail Standards

Title 37, Part 9

The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 251, General, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504372

The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 255 Rulemaking Procedures, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504374
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025

◆ ◆ ◆
The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 257 Construction Approval Rules, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504375
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025

◆ ◆ ◆
The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 259 New Construction Rules, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504376
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025

◆ ◆ ◆
The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 260 County Correctional Centers, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504377

Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025

◆ ◆ ◆
The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 261 Existing Construction Rules, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504378
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025

◆ ◆ ◆
The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 263 Life Safety Rules, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504379
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025

◆ ◆ ◆
The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 265 Admission, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504380
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025



The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 267 Release, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504381
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025



The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 269 Records and Procedures, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504382
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025



The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 271 Classification and Separation of Inmates, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504383
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025



The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 273 Health Services, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504384
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025



The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 275 Supervision of Inmates, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504385
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025



The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 277 Clothing, Personal Hygiene and Bedding, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments

postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504386
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025



The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 279 Sanitation, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504387
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025



The Texas Commission on Jail Standards (TCJS) files this notice of its intent to review Chapter 281 Food Service, in accordance with §2001.039.

An assessment will be made by TCJS as to whether the reasons for adopting or readopting the chapter continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current TCJS procedures.

Comments on the review may be submitted to TCJS, addressed to Richard Morgan, at Richard.morgan@tcjs.state.tx.us or P.O. Box 12985, Austin, Texas 78711-2985. TCJS must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-202504388
Brandon Wood
Executive Director
Texas Commission on Jail Standards
Filed: December 1, 2025



Adopted Rule Reviews

Texas Council for Developmental Disabilities

Title 40, Part 21

The Texas Council for Developmental Disabilities (Council) adopts the review of Chapter 876, General Provisions, §§876.1 - 876.12, and Chapter 877, Grant Awards, §§877.1 - 877.5 pursuant to the Texas Government Code, §2001.039.

The proposed rule review was published in the October 3, 2025, issue of the *Texas Register* (50 TexReg 6547).

The Council considered, among other things, whether the reasons for adoption of these rules continue to exist. No comments were received on the proposed rule review. As a result of the review, the Council determined that the rules are still necessary and readopts these chapters.

This concludes the review of Chapter 876, General Provisions and Chapter 877, Grant Awards.

TRD-202504414
Beth Stalvey
Executive Director
Texas Council for Developmental Disabilities
Filed: December 1, 2025



TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 19 TAC §150.1041(c)(1)(C)

Local Optional Teacher Designation System Application Statutorily Based Framework

Component	Requirements
<u>Includes a teacher observation component and a percent weight is assigned</u>	<ul style="list-style-type: none"> <u>Includes a teacher observation component as part of the local teacher designation system and assigns a clear percent weight for it.</u> <u>For teachers who teach more than one content area/grade level, it is clear which content area/grade level will be used for purpose of TIA for all the teachers in each respective eligible teacher category.</u>
<u>Includes a Student Growth component and a percent weight is assigned</u>	<ul style="list-style-type: none"> <u>Uses approved student growth measures as part of the local teacher designation system for all eligible teaching assignments, and clearly identifies which student growth measures apply to which eligible teaching assignments.</u> <u>A clear percent weight of the student growth component is assigned.</u>
<u>Teacher Observation Rubric and Appraiser Certification</u>	<ul style="list-style-type: none"> <u>District uses an approved teacher observation rubric that is based on observable, job-related behaviors that are described with progressive descriptors for each dimension, including alignment to §149.1001 of this title (relating to Teacher Standards) and a clear proficiency indicator.</u> <u>Thorough training/certification is required for all appraisers. Calibration component required during certification.</u> <u>Recertification of appraisers required at minimum every 3 years.</u>
<u>Reliability of teacher appraisers within and across campuses</u>	<ul style="list-style-type: none"> <u>Calibration among appraisers both within and among campuses, including district leadership, is required at least once a year. (Note: for districts with fewer than 3 appraisers districtwide, calibration component includes partnering with additional trained appraisers, such as teacher leaders, ESC partners, etc.)</u> <u>Appraisers calibrate on scoring using the district’s teacher observation rubric at least annually by conducting a multi-appraiser observation either in-person or on video.</u> <u>District has reviewed the TIA Statewide Performance Standards with teachers as an overall guide for how to determine designation levels.</u>
<u>District review of teacher observation trends</u>	<ul style="list-style-type: none"> <u>Principals and principal supervisors review campus-based teacher observation trends at least quarterly by grade/subject/appraiser.</u> <u>For districts with more than one campus: District leaders review districtwide teacher observation trends at least quarterly by grade/subject/campus/appraiser.</u> <u>District explains how it addresses lack of appraiser calibration in both ratings and aligned evidence for ratings.</u>
<u>District reviews correlation of teacher observation and student growth data and develops plan to address any issues</u>	<ul style="list-style-type: none"> <u>Campus leaders review the correlation of teacher observation data to student growth data at the campus level at least once a year.</u> <u>For districts with more than one campus, district leaders review the district-wide correlation of teacher observation and student growth data.</u> <u>The district explains how it identifies and addresses lack of correlation between teacher observation data and student growth data.</u>

<u>Observation/feedback schedule</u>	<ul style="list-style-type: none"> • <u>All teachers in eligible teaching assignments receive at least one 45 min. observation or multiple observations that aggregate to 45 min. during their data capture year, including scores on all observable domains.</u> • <u>Full teacher observation and student growth measures are required for all teachers in eligible teaching assignments during the data capture year.</u> • <u>If using multi-year appraisal system, both teacher observation data and student growth data are from the same school year.</u>
<u>Student Learning Objectives: Rationale</u>	<ul style="list-style-type: none"> • <u>District has a clear rationale for using SLOs as a student growth measure in their local teacher designation system.</u>
<u>Student Learning Objectives: Validity in administration of the SLO</u>	<ul style="list-style-type: none"> • <u>District requires training annually on the administration of SLOs.</u> • <u>District provides guidance, protocols, and rubrics for the administration of assignments, projects, and tasks that are used as part of the SLO body of evidence.</u>
<u>Student Learning Objectives: Updated SLO training</u>	<ul style="list-style-type: none"> • <u>District received SLO training or plans to have SLO training prior to beginning of the data capture year.</u>
<u>Student Learning Objectives: Alignment to texasslo.org</u>	<ul style="list-style-type: none"> • <u>District's SLO system aligns to the process described on TexasSLO.org.</u>
<u>Student Learning Objectives: Requirements for writing an SLO</u>	<ul style="list-style-type: none"> • <u>District ensures that all SLOs used are aligned to the standards for the course and focus on a foundational skill that is addressed throughout the school year.</u>
<u>Student Learning Objectives: Requirements for approving an SLO</u>	<ul style="list-style-type: none"> • <u>All SLOs are approved by teacher appraisers who follow guidance for approving SLOs as listed on the Texas SLO website.</u>
<u>Student Learning Objectives: Security of the body of evidence</u>	<ul style="list-style-type: none"> • <u>District has protocols in place to ensure the security of student assessment/assignment documents used in the SLO.</u>
<u>Student Learning Objectives: Requirements of the body of evidence</u>	<ul style="list-style-type: none"> • <u>Five or more pieces of student work comprise the body of evidence.</u>
<u>Student Learning Objectives: Setting Expected Growth Targets</u>	<ul style="list-style-type: none"> • <u>District uses the Initial Skill profile and the Targeted Skill Profile (TSP), based on multiple data points to set individual expected growth targets for each student at the beginning of the year.</u>
<u>Student Learning Objectives: Determining students' end of year growth</u>	<ul style="list-style-type: none"> • <u>District uses the body of evidence of student work as it aligns to students' expected growth targets on the TSP to determine whether students met their targeted growth at the end of the year.</u>

<u>Portfolios: Rationale</u>	<ul style="list-style-type: none"> • <u>District has a clear rationale for using portfolios as a student growth measure in their local teacher designation system.</u>
<u>Portfolios: Validity and reliability in portfolio assignment administration</u>	<ul style="list-style-type: none"> • <u>District has protocols in place to ensure the valid administration of all assignments/projects to be used as part of the student portfolio.</u> • <u>Teachers are trained in procedures for administration of portfolio assignments.</u>
<u>Portfolios: Security of portfolios</u>	<ul style="list-style-type: none"> • <u>District has procedures in place to ensure the security of all portfolio documents and provides training to teachers regarding portfolio security.</u>
<u>Portfolios: Artifacts to be included in the portfolio</u>	<ul style="list-style-type: none"> • <u>District has clear guidelines for what is required for a student task/assignment/project to be included as part of the student portfolio.</u>
<u>Portfolios: Number of artifacts</u>	<ul style="list-style-type: none"> • <u>Student portfolios consist of more than one artifact.</u>
<u>Portfolios: Development of Scoring Rubric</u>	<ul style="list-style-type: none"> • <u>Portfolio rubric required to align to content standards of the course and required to specify what students need to know and be able to do across at least four different skill levels.</u> • <u>District identifies which roles will be responsible for creating and approving portfolio scoring rubrics.</u>
<u>Portfolios: Scoring artifacts based on the rubric</u>	<ul style="list-style-type: none"> • <u>District has clear plan for who will use the scoring rubric to assess student portfolios, including a selection and training process for all scorers.</u> • <u>District requires training annually on the scoring of rubrics.</u>
<u>Portfolios: Setting student expected growth targets</u>	<ul style="list-style-type: none"> • <u>There are clear procedures and guidelines for how to set student expected growth targets at the beginning of the year using a portfolio system.</u>
<u>Portfolios: Calculation of a teacher's end of year student growth</u>	<ul style="list-style-type: none"> • <u>Clear and published procedures exist for how student growth data based on the portfolio is calculated for each individual student and how this data is used to determine the teachers' end of year student growth rating for teachers in all applicable eligible teaching assignments.</u>
<u>Value-Added Measures: Rationale</u>	<ul style="list-style-type: none"> • <u>District has a clear rationale for using VAM as a student growth measure in their local teacher designation system.</u>
<u>Value-Added Measures: Assessments used to calculate VAM</u>	<ul style="list-style-type: none"> • <u>District uses state-approved or nationally normed, standards-aligned assessments to calculate VAM for all teacher groups using this measure.</u>
<u>Value-Added Measures: Multiple Years of Student Data</u>	<ul style="list-style-type: none"> • <u>VAM calculation based on multi-year data</u>

<u>Value-Added Measures: Setting expected growth targets</u>	<ul style="list-style-type: none"> • <u>District has clear and well-communicated procedures for how VAM is used to set expected growth targets.</u>
<u>Value-Added Measures: Calculation of a teacher's end of year student growth rating</u>	<ul style="list-style-type: none"> • <u>Clear and published procedures exist for how student growth data based on VAM is calculated for each individual student and for how this data is used to determine the teachers' end-of-year student growth rating for teachers in all teachers in applicable eligible teaching assignments.</u>
<u>Value-Added Measures: Calculation of VAM</u>	<ul style="list-style-type: none"> • <u>District uses 3rd party statisticians or has a local process to run statistical VAM calculations that includes multi-year data on a nationally normed or criterion-referenced test.</u>
<u>Value-Added Measures: Locally calculated VAM</u>	<ul style="list-style-type: none"> • <u>District has clear and specific policies and procedures for how they calculate VAM locally that are informed by the standards used for calculating statewide value-added measures.</u>
<u>Pre-Test/Post-Test: Validity and reliability of pre-test/post-test</u>	<ul style="list-style-type: none"> • <u>District explains how each assessment used aligns to the standards/content covered in each respective course.</u>
<u>Pre-Test/Post-Test: Administration of pre-test/post-test</u>	<ul style="list-style-type: none"> • <u>District identifies the protocols and training it gives annually on the valid and reliable administration and security of each specific pre-test/post-test used.</u>
<u>Pre-Test/Post-Test: Setting expected growth targets</u>	<ul style="list-style-type: none"> • <u>District has clear procedures in place for how to set valid expected growth targets at the beginning of the year using the pre-test.</u>
<u>Pre-Test/Post-Test: Calculating end of year student growth</u>	<ul style="list-style-type: none"> • <u>District has clear procedures for how to determine students' end of year growth based on the pre-test, expected growth target, and post-test.</u>
<u>Pre-Test/Post-Test: Requirements for writing standards aligned pre-tests/post-tests</u>	<ul style="list-style-type: none"> • <u>District has rigorous protocols in place for writing district-created assessments that align to the standards of the course and that follow best practices in assessment design.</u> • <u>District requires qualifications to be able to design district-created tests that include, at minimum, in-depth content knowledge of the subject matter/grade level being assessed and which positions are authorized to do so.</u>
<u>Pre-Test/Post-Test: Process to review and approve district-created pre-tests/post-tests</u>	<ul style="list-style-type: none"> • <u>All district-created pre-tests/post-tests require a rigorous approval process including multiple levels of review, checks for alignment to standards of the course, and for the ability of the tests to measure student growth across a wide variety of student ability levels (stretch of the test).</u>

<u>Spending: Distribution of Allotment Funds</u>	<ul style="list-style-type: none"> • <u>District spends at least 90% of TIA funds on teacher compensation on the campuses where the designated teachers work.</u> • <u>District spends no more than 10% of TIA funds at the district level to support rollout and implementation of TIA and/or to support teachers in earning a TIA designation through professional development.</u> • <u>District has plans to expend all allotment funds by August 31st. annually.</u> • <u>District has clear plans for how to spend any funds reserved at the district level to support the local designation system. Compliance with §48.112 is required for full readiness.</u>
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Figure: 22 TAC §885.1(b)

<u>Fees</u>	<u>Total Fee</u>	<u>Base</u>	<u>Texas.gov</u>	<u>OPP</u>	<u>eStrategy</u>
<u>APPLICATION FEES (Effective for applications submitted after 8/31/23)</u>					
<u>Social Workers</u>					
LBSW or LMSW Application	\$ 109.00	\$ 100.00	\$ 4.00	\$ 5.00	
LCSW Application (LMSW-AP applications no longer accepted)	\$ 120.00	\$ 111.00	\$ 4.00	\$ 5.00	
Upgrade from LBSW to LMSW	\$ 24.00	\$ 20.00	\$ 4.00		
Upgrade from LMSW to LCSW	\$ 24.00	\$ 20.00	\$ 4.00		
Independent Practice Recognition	\$ 20.00	\$ 20.00			
Supervisor Status Application	\$ 54.00	\$ 50.00	\$ 4.00		
Temporary License Application	\$ 30.00	\$ 30.00			
<u>Marriage and Family Therapists</u>					
Initial LMFT Associate Application	\$ 159.00	\$ 150.00	\$ 4.00	\$ 5.00	
Upgrade from LMFT Associate to LMFT	\$ 90.00	\$ 86.00	\$ 4.00		
Initial LMFT Application	\$ 161.00	\$ 150.00	\$ 6.00	\$ 5.00	
Supervisor Status Application	\$ 54.00	\$ 50.00	\$ 4.00		
Temporary License Application	\$ 103.00	\$ 100.00	\$ 3.00		
<u>Professional Counselors</u>					
LPC Associate/LPC/Provisional License Application	\$ 165.00	\$ 154.00	\$ 6.00	\$ 5.00	
Supervisor Status Application	\$ 54.00	\$ 50.00	\$ 4.00		
Art Therapy Designation	\$ 20.00	\$ 20.00			
<u>Psychologists/Psychological Associates/Specialists in School Psychology</u>					
Psychologist					
LPA Application	\$ 144.00	\$ 135.00	\$ 4.00	\$ 5.00	
LP Application (including reciprocity applications)	\$ 425.00	\$ 410.00	\$ 10.00	\$ 5.00	
School Psychologist L-SSP Application	\$ 252.00	\$ 239.00	\$ 8.00	\$ 5.00	
Temporary License Application	\$ 103.00	\$ 100.00	\$ 3.00		
<u>RENEWAL FEES</u>					

<u>Social Workers</u>									
LBSW/LMSW Renewal	\$ 108.00		\$ 102.00	\$ 4.00	\$ 4.00	\$ 2.00			
LMSW-AP/LCSW Renewal	\$ 108.00		\$ 102.00	\$ 4.00	\$ 4.00	\$ 2.00			
Additional Renewal Fee for Independent Recognition	\$ 20.00		\$ 20.00						
Additional Renewal Fee for Supervisor Status	\$ 50.00		\$ 50.00						
<u>Marriage and Family Therapists</u>									
LMFT Renewal	\$ 141.00		\$ 135.00	\$ 4.00	\$ 4.00	\$ 2.00			
Additional Renewal Fee for Supervisor Status	\$ 50.00		\$ 50.00						
<u>Professional Counselors</u>									
LPC Renewal	\$ 141.00		\$ 135.00	\$ 4.00	\$ 4.00	\$ 2.00			
Additional Renewal Fee for Supervisor Status	\$ 50.00		\$ 50.00						
<u>Psychologists/Psychological Associates/Specialists-in School Psychologist</u>									
[Psychology]									
LPA Renewal	\$ 238.00		\$ 230.00	\$ 6.00	\$ 6.00	\$ 2.00			
LP Renewal	\$ 295.00		\$ 285.00	\$ 8.00	\$ 8.00	\$ 2.00			
School Psychologist [LSSP] Renewal	\$ 141.00		\$ 135.00	\$ 4.00	\$ 4.00	\$ 2.00			
Over 70 Renewal – Applicable only to licensees who turned 70 by 8/31/2020	\$ 26.00		\$ 20.00	\$ 4.00	\$ 4.00	\$ 2.00			
Additional Renewal Fee for HSP Designation	\$ 40.00		\$ 40.00						
<u>EXAMINATION FEES</u>									
<u>Social Workers</u>									
Jurisprudence Exam	\$ 39.00					\$ 39.00			
<u>Marriage and Family Therapists</u>									
Jurisprudence Exam	\$ 39.00					\$ 39.00			
<u>Professional Counselor</u>									
Jurisprudence Exam	\$ 39.00					\$ 39.00			

<u>Psychologists/Psychological Associates/Specialist in School Psychology</u>							
Psychologist							
Jurisprudence Exam	\$ 39.00						\$ 39.00
MISCELLANEOUS FEES							
Duplicate Renewal Permit for License	\$ 10.00		\$ 8.00	\$ 2.00			
Written State to State Verification of Licensure	\$ 50.00		\$ 48.00	\$ 2.00			
Returned Check Fee	\$ 25.00						
Criminal History Evaluation	\$ 150.00		\$ 150.00				
Reinstatement of License	\$ 510.00		\$ 500.00	\$ 10.00			
Request for Inactive Status	\$ 106.00		\$ 100.00	\$ 4.00	\$ 2.00		
Inactive Status Renewal (biennial)	\$ 106.00		\$ 100.00	\$ 4.00	\$ 2.00		
Update Doctoral Degree on License	\$ 54.00		\$ 50.00	\$ 4.00			
Request 11x14 Wall License	\$ 50.00		\$ 48.00	\$ 2.00			
Request to Reactivate License from Inactive Status	equal to current renewal fee						
Late fee for license expired 90 days or less	equal to 1.5 times base renewal fee (plus applicable Texas.gov and OPP fees)						
Late fee for license expired more than 90 days, but less than one year	Equal to 2 times the base renewal fee (plus applicable Texas.gov and OPP fees)						

IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 12/01/25 - 12/07/25 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 12/01/25 - 12/07/25 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

² Credit for business, commercial, investment, or other similar purpose.

TRD-202504340

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: November 25, 2025



Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §§303.003, 303.005, 303.008, and 303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 12/08/25- 12/14/25 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 12/08/25- 12/14/25 is 18.00% for commercial² credit.

The monthly ceiling as prescribed by §303.005³ and §303.009 for the period of 12/01/25-12/31/25 is 18.00%.

The quarterly ceiling as prescribed by §303.008 and §303.009 for the period of 1/01/26- 03/31/26 is 18.00% for consumer¹ credit.

The quarterly ceiling as prescribed by §303.008 and §303.009 for the period of 01/01/26- 03/31/26 is 18.00% for commercial² credit.

The annualized ceiling as prescribed by §303.008 and §303.009⁴ for the period of 01/01/26- 12/31/26 is 18.00% for consumer¹ credit.

The annualized ceiling as prescribed by §303.008 and §303.009⁴ for the period of 01/01/26- 12/31/26 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

² Credit for business, commercial, investment, or other similar purpose.

³ Only for variable rate commercial transactions, as provided by §303.004(a).

⁴ Only for open-end credit as defined in §301.002(14), as provided by §303.007.

TRD-202504399

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: December 2, 2025



Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **January 16, 2026**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **January 16, 2026**. Written comments may also be sent to the enforcement coordinator by email to ENF-COMNT@tceq.texas.gov or by facsimile machine at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed contact information; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: A. L. Helmcamp, Inc.; DOCKET NUMBER: 2025-1739-WR-E; IDENTIFIER: RN112290655; LOCATION: Bufalo, Cherokee County; TYPE OF FACILITY: operator; PENALTY: \$350; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(2) COMPANY: ACME BRICK COMPANY; DOCKET NUMBER: 2025-0233-AIR-E; IDENTIFIER: RN102097904; LOCATION: Denton, Denton County; TYPE OF FACILITY: brick manufacturing plant; PENALTY: \$5,813; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(3) COMPANY: Aizen & Thea LLC; DOCKET NUMBER: 2024-1552-PST-E; IDENTIFIER: RN100529619; LOCATION: Gonzales, Gonzales County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: \$8,266; ENFORCEMENT COORDINATOR: Lauren Little, (817) 588-5888; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 04 - DALLAS-FORT WORTH (DFW) METROPLEX.

(4) COMPANY: All-Star Gas Express, LLC; DOCKET NUMBER: 2024-1527-PST-E; IDENTIFIER: RN101473825; LOCATION: Houston, Harris County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: \$4,801; ENFORCEMENT COORDINATOR: Lauren Little, (817) 588-5888; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 04 - DFW METROPLEX.

(5) COMPANY: Aqua Texas, Inc.; DOCKET NUMBER: 2025-0739-MWD-E; IDENTIFIER: RN102340841; LOCATION: Spring, Harris County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$16,000; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(6) COMPANY: Aqua Texas, Inc.; DOCKET NUMBER: 2025-0993-PWS-E; IDENTIFIER: RN102653607; LOCATION: Azle, Tarrant County; TYPE OF FACILITY: public water supply; PENALTY: \$3,142; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(7) COMPANY: BIROME WATER SUPPLY CORPORATION; DOCKET NUMBER: 2025-0359-PWS-E; IDENTIFIER: RN101228468; LOCATION: Mount Calm, Hill County; TYPE OF FACILITY: public water supply; PENALTY: \$52; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(8) COMPANY: Beechwood Water Supply Corporation; DOCKET NUMBER: 2025-1473-MWD-E; IDENTIFIER: RN101610129; LOCATION: Hemphill, Sabine County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$39,375; ENFORCEMENT COORDINATOR: Amy Lane, (512) 239-2614; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(9) COMPANY: CR Permian Processing, LLC; DOCKET NUMBER: 2025-0921-AIR-E; IDENTIFIER: RN109238691; LOCATION: Pecos, Reeves County; TYPE OF FACILITY: natural gas processing plant; PENALTY: \$7,518; ENFORCEMENT COORDINATOR: Krystina Sepulveda, (956) 430-6045; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(10) COMPANY: City of Lindsay; DOCKET NUMBER: 2022-0230-MWD-E; IDENTIFIER: RN102069788; LOCATION: Lindsay, Cooke County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$110,437; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$110,437; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk

Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(11) COMPANY: City of Oakwood; DOCKET NUMBER: 2025-0963-PWS-E; IDENTIFIER: RN101386993; LOCATION: Oakwood, Leon County; TYPE OF FACILITY: public water supply; PENALTY: \$183; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(12) COMPANY: Doorway Recycling Solutions Inc; DOCKET NUMBER: 2025-0058-MLM-E; IDENTIFIER: RN111907267 RN111026589; LOCATION: Midland, Midland County; TYPE OF FACILITY: asphalt shingle recycling facility; PENALTY: \$260,750; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(13) COMPANY: Formosa Plastics Corporation, Texas; DOCKET NUMBER: 2025-0772-AIR-E; IDENTIFIER: RN100218973; LOCATION: Point Comfort, Calhoun County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$13,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$6,562; ENFORCEMENT COORDINATOR: Amy Cox, (512) 239-4631; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(14) COMPANY: Huerta, Jesus; DOCKET NUMBER: 2025-1665-WOC-E; IDENTIFIER: RN110932944; LOCATION: Rio Hondo, Cameron County; TYPE OF FACILITY: operator; PENALTY: \$175; ENFORCEMENT COORDINATOR: Anjali Talpallikar, (512) 239-2507; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(15) COMPANY: I & A Development & Construction, L.L.C.; DOCKET NUMBER: 2025-0055-WQ-E; IDENTIFIER: RN111833158; LOCATION: Tyler, Smith County; TYPE OF FACILITY: commercial construction site; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(16) COMPANY: LaPorte Rail and Terminal, LLC; DOCKET NUMBER: 2025-0156-AIR-E; IDENTIFIER: RN100225085; LOCATION: La Porte, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$16,900; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$6,760; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(17) COMPANY: Nueces County Water Control and Improvement District 4; DOCKET NUMBER: 2025-0241-PWS-E; IDENTIFIER: RN102693090; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: public water supply; PENALTY: \$2,375; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(18) COMPANY: Occidental Permian Ltd.; DOCKET NUMBER: 2025-0371-AIR-E; IDENTIFIER: RN100226687; LOCATION: Denver City, Yoakum County; TYPE OF FACILITY: gas processing site; PENALTY: \$8,775; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(19) COMPANY: Quantum Products LLC; DOCKET NUMBER: 2025-0349-WQ-E; IDENTIFIER: RN112051552; LOCATION: Liberty, Liberty County; TYPE OF FACILITY: glycerin refining facility;

PENALTY: \$11,457; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(20) COMPANY: Ryan C. Hoerauf, Inc.; DOCKET NUMBER: 2023-0498-AIR-E; IDENTIFIER: RN107721797; LOCATION: Ozona, Crockett County; TYPE OF FACILITY: glycerin refining facility; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(21) COMPANY: San Augustine Rural Water Supply Corporation; DOCKET NUMBER: 2025-0610-PWS-E; IDENTIFIER: RN101450054; LOCATION: San Augustine, San Augustine County; TYPE OF FACILITY: public water supply; PENALTY: \$2,925; ENFORCEMENT COORDINATOR: Katherine McKinney, (512) 239-4619; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(22) COMPANY: Scout Energy Management LLC; DOCKET NUMBER: 2021-1286-AIR-E; IDENTIFIER: RN100226943; LOCATION: Masterson, Potter County; TYPE OF FACILITY: gas processing plant; PENALTY: \$336,775; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$168,387; ENFORCEMENT COORDINATOR: Christina Ferrara, (713) 767-3763; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(23) COMPANY: T & W WATER SERVICE COMPANY; DOCKET NUMBER: 2025-0686-PWS-E; IDENTIFIER: RN101195832; LOCATION: Vidor, Orange County; TYPE OF FACILITY: public water supply; PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Katherine Argueta, (512) 239-4131; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(24) COMPANY: The George R. Brown Partnership, L.P.; DOCKET NUMBER: 2024-1898-AIR-E; IDENTIFIER: RN106516875; LOCATION: Post, Garza County; TYPE OF FACILITY: oil and gas storage site; PENALTY: \$2,813; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$1,125; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(25) COMPANY: U. S. Land Corp.; DOCKET NUMBER: 2025-1132-PWS-E; IDENTIFIER: RN102691391; LOCATION: Willis, Montgomery County; TYPE OF FACILITY: public water supply; PENALTY: \$650; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

TRD-202504397

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: December 2, 2025



Enforcement Orders

An agreed order was adopted regarding Okezie N. Uleanya, Docket No. 2022-1054-WQ-E on November 25, 2025 assessing \$3,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pack Ellis, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202504342

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 25, 2025



Enforcement Orders

An agreed order was adopted regarding the City of Clarksville City, Docket No. 2022-0504-MWD-E on December 2, 2025 assessing \$9,563 in administrative penalties with \$1,912 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Austin Wood Recycling, Inc., Docket No. 2022-1642-MSW-E on December 2, 2025 assessing \$8,399 in administrative penalties with \$1,679 deferred. Information concerning any aspect of this order may be obtained by contacting Lauren Little, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Juan B. Castaneda dba Castaneda RV Park, Docket No. 2023-1012-PWS-E on December 2, 2025 assessing \$1,554 in administrative penalties with \$310 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Garden Ridge, Docket No. 2023-1458-MLM-E on December 2, 2025 assessing \$2,225 in administrative penalties with \$445 deferred. Information concerning any aspect of this order may be obtained by contacting Mistie Gonzales, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TRI-CON, INC. dba Exxpress Mart 12, Docket No. 2023-1687-PST-E on December 2, 2025 assessing \$10,327 in administrative penalties with \$2,065 deferred. Information concerning any aspect of this order may be obtained by contacting Rachel Murray, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Tokai Carbon CB Ltd., Docket No. 2024-0307-AIR-E on December 2, 2025 assessing \$6,001 in administrative penalties with \$1,200 deferred. Information concerning any aspect of this order may be obtained by contacting Krystina Sepulveda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Noble Energy, Inc., Docket No. 2024-0512-AIR-E on December 2, 2025 assessing \$3,001 in administrative penalties with \$600 deferred. Information concerning any aspect of this order may be obtained by contacting Caleb Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Noble Energy, Inc., Docket No. 2024-0531-AIR-E on December 2, 2025 assessing \$2,813 in administrative penalties with \$562 deferred. Information concerning any aspect of this order may be obtained by contacting Trenton White, En-

forcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding New Horizon Resources LLC, Docket No. 2024-0691-AIR-E on December 2, 2025 assessing \$7,500 in administrative penalties with \$1,500 deferred. Information concerning any aspect of this order may be obtained by contacting Michael Wilkins, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Wise A Materials, LLC, Docket No. 2024-0863-WQ-E on December 2, 2025 assessing \$5,000 in administrative penalties with \$1,000 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Golden Spread Electric Cooperative, Inc., Docket No. 2024-1124-AIR-E on December 2, 2025 assessing \$5,625 in administrative penalties with \$1,125 deferred. Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding OXY USA WTP LP, Docket No. 2024-1178-AIR-E on December 2, 2025 assessing \$3,750 in administrative penalties with \$750 deferred. Information concerning any aspect of this order may be obtained by contacting Caleb Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding COWBOY STAR INC. dba Beckleys Food Mart, Docket No. 2024-1618-PST-E on December 2, 2025 assessing \$8,358 in administrative penalties with \$1,671 deferred. Information concerning any aspect of this order may be obtained by contacting Lauren Little, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding B&BR Investments, LLC and Youngblood Automotive & Tire, LLC, Docket No. 2024-1717-MSW-E on December 2, 2025 assessing \$12,253 in administrative penalties with \$2,450 deferred. Information concerning any aspect of this order may be obtained by contacting Rachel Murray, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Altus Midstream Processing LP, Docket No. 2024-1816-AIR-E on December 2, 2025 assessing \$5,250 in administrative penalties with \$1,050 deferred. Information concerning any aspect of this order may be obtained by contacting John Burkett, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SOUTHERN FOREST PRODUCTS, L. L. C., Docket No. 2024-1856-PWS-E on December 2, 2025 assessing \$12,243 in administrative penalties with \$2,448 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BRAZOS PRESBYTERIAN HOMES, INC. dba Brazos Tower Bayou Manor, Docket No. 2024-1884-PST-E on December 2, 2025 assessing \$3,375 in administrative

penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Amy Lane, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Gulf Coast Growth Ventures LLC, Docket No. 2024-1897-AIR-E on December 2, 2025 assessing \$4,875 in administrative penalties with \$975 deferred. Information concerning any aspect of this order may be obtained by contacting Amy Cox, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Weatheread Excavation, LLC, Docket No. 2025-0091-WQ-E on December 2, 2025 assessing \$6,875 in administrative penalties with \$1,375 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Lazbuddie Independent School District, Docket No. 2025-0267-PWS-E on December 2, 2025 assessing \$52 in administrative penalties with \$10 deferred. Information concerning any aspect of this order may be obtained by contacting Wyatt Throm, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ROA Investors, LLC, Docket No. 2025-0344-PWS-E on December 2, 2025 assessing \$2,800 in administrative penalties with \$560 deferred. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Mobeetie, Docket No. 2025-0352-PWS-E on December 2, 2025 assessing \$50 in administrative penalties with \$10 deferred. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2025-0381-MLM-E on December 2, 2025 assessing \$9,550 in administrative penalties with \$1,910 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding 3G WATER SUPPLY CORPORATION, Docket No. 2025-0394-PWS-E on December 2, 2025 assessing \$3,000 in administrative penalties with \$600 deferred. Information concerning any aspect of this order may be obtained by contacting Savannah Jackson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding HOUSTON FRUITLAND INC., Docket No. 2025-0395-PWS-E on December 2, 2025 assessing \$3,055 in administrative penalties with \$611 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Thomas K. Rawls dba Lakeside Water Supply 1 and Danasa Rawls dba Lakeside Water Supply 1, Docket No. 2025-0396-PWS-E on December 2, 2025 assessing \$65 in administrative penalties with \$13 deferred. Information concerning any aspect of this order may be obtained by contacting Hilda Iyasele,

Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Petra Firma Development Group, Inc., Docket No. 2025-0397-PWS-E on December 2, 2025 assessing \$80 in administrative penalties with \$16 deferred. Information concerning any aspect of this order may be obtained by contacting Katherine McKinney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Trent Water Works, Inc., Docket No. 2025-0401-PWS-E on December 2, 2025 assessing \$750 in administrative penalties with \$150 deferred. Information concerning any aspect of this order may be obtained by contacting Kaisie Hubschmitt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2025-0418-PWS-E on December 2, 2025 assessing \$2,309 in administrative penalties with \$461 deferred. Information concerning any aspect of this order may be obtained by contacting Katherine McKinney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Lone Oak, Docket No. 2025-0419-PWS-E on December 2, 2025 assessing \$52 in administrative penalties with \$10 deferred. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Pine Lake Water Supply Corporation, Docket No. 2025-0420-PWS-E on December 2, 2025 assessing \$50 in administrative penalties with \$10 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding MIDWAY WATER UTILITIES, INC., Docket No. 2025-0429-PWS-E on December 2, 2025 assessing \$1,000 in administrative penalties with \$200 deferred. Information concerning any aspect of this order may be obtained by contacting Emerson Rinewalt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Bell County Water Control & Improvement District 5, Docket No. 2025-0430-PWS-E on December 2, 2025 assessing \$893 in administrative penalties with \$178 deferred. Information concerning any aspect of this order may be obtained by contacting Emerson Rinewalt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Bryson, Docket No. 2025-0457-PWS-E on December 2, 2025 assessing \$60 in administrative penalties with \$12 deferred. Information concerning any aspect of this order may be obtained by contacting De'Shaune Blake, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Higher Source LLC, Docket No. 2025-0464-PWS-E on December 2, 2025 assessing \$2,350 in administrative penalties with \$470 deferred. Information concerning any aspect of this order may be obtained by contacting Savannah Jackson,

Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TWIN BUTTES WATER SYSTEM, INC., Docket No. 2025-0484-PWS-E on December 2, 2025 assessing \$2,075 in administrative penalties with \$1,415 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez Scott, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Streetman, Docket No. 2025-0486-PWS-E on December 2, 2025 assessing \$362 in administrative penalties with \$72 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez Scott, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas Water Utilities Lp, Docket No. 2025-0498-PWS-E on December 2, 2025 assessing \$4,500 in administrative penalties with \$900 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Yellow Rock Business Park LLC, Docket No. 2025-0499-PWS-E on December 2, 2025 assessing \$131 in administrative penalties with \$26 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Timpson Rural Water Supply Corporation, Docket No. 2025-0547-PWS-E on December 2, 2025 assessing \$50 in administrative penalties with \$10 deferred. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Darling Ingredients Inc. dba Darling Ingredients San Antonio, Docket No. 2025-0572-PST-E on December 2, 2025 assessing \$2,250 in administrative penalties with \$450 deferred. Information concerning any aspect of this order may be obtained by contacting Eunice Adegele, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Perry Marker, Docket No. 2025-0624-WQ-E on December 2, 2025 assessing \$7,125 in administrative penalties with \$1,425 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding 122ND & FRANKFORD / DISCOUNT SHOP RENTALS, INC., Docket No. 2025-0674-PWS-E on December 2, 2025 assessing \$1,250 in administrative penalties with \$250 deferred. Information concerning any aspect of this order may be obtained by contacting Savannah Jackson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ROUGH CANYON CONDOS OWNERS ASSOCIATION, Docket No. 2025-0703-PWS-E on December 2, 2025 assessing \$57 in administrative penalties with \$11 deferred. Information concerning any aspect of this order may be ob-

tained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Trinity Bay Conservation District, Docket No. 2025-0740-MWD-E on December 2, 2025 assessing \$5,812 in administrative penalties with \$1,162 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding HOLIDAY BEACH Water Supply Corporation, Docket No. 2025-0895-PWS-E on December 2, 2025 assessing \$675 in administrative penalties with \$135 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Luce Bayou Public Utility District, Docket No. 2025-0944-MWD-E on December 2, 2025 assessing \$4,012 in administrative penalties with \$802 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding WelderXP Ltd. dba Welder Exploration & Production, Inc., Docket No. 2025-0970-PST-E on December 2, 2025 assessing \$7,917 in administrative penalties with \$1,583 deferred. Information concerning any aspect of this order may be obtained by contacting Eunice Adegele, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202504406

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 3, 2025



Notice and Comment Hearing Draft Permit No.: O3421

This is a notice for a notice and comment hearing on Federal Operating Permit Number O3421. During the notice and comment hearing informal questions on the Federal Operating Permit will be answered and formal comments will be received. The Texas Commission on Environmental Quality (TCEQ) has scheduled the notice and comment hearing regarding this application and draft permit as follows:

Date: January 22, 2026

Time: 7:00 p.m.

Location: Bauer Community Center

2300 Hwy 35 North

Port Lavaca, Texas 77979

Location phone: (361) 552-1234

Application and Draft Permit. Formosa Plastics Corporation, Texas, 9 Peach Tree Hill Rd, Livingston, New Jersey 07039-5702, a Petrochemical Manufacturing facility, has applied to the TCEQ for a Renewal of Federal Operating Permit (herein referred to as permit) No. O3421, Application No. 36772 to authorize operation of the Energy/Steam Generating Facility. The area addressed by the application is located at

201 Formosa Drive in Point Comfort, Calhoun County, Texas 77978. This application was received by the TCEQ on June 21, 2024.

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, will codify the conditions under which the site must operate. The TCEQ Executive Director recommends issuance of the draft permit. The purpose of a federal operating permit is to improve overall compliance with the rules governing air pollution control by clearly listing all applicable requirements, as defined in Title 30 Texas Administrative Code (30 TAC) §122.10. The permit will not authorize new construction or new emissions.

Notice and Comment Hearing. The hearing will be structured for the receipt of oral or written comments by interested persons. Registration and an informal discussion period with commission staff members will begin during the first 30 minutes. During the informal discussion period, the public is encouraged to ask questions and engage in open discussion with the applicant and the TCEQ staff concerning this application and draft permit. Issues raised during this discussion period will only be addressed in the formal response to comments if the issue is also presented during the hearing. After the conclusion of the informal discussion period, the TCEQ will conduct a notice and comment hearing regarding the application and draft permit. Individuals may present oral statements when called upon in order of registration. A reasonable time limit may be established at the hearing to assure that enough time is allowed for every interested person to speak. There will be no open discussion during the hearing. The purpose of this hearing will be to receive formal public comment which the TCEQ will consider in determining whether to revise and/or issue the permit and in determining the accuracy and completeness of the permit. Any person may attend this meeting and submit written or oral comments. The hearing will be conducted in accordance with the Texas Clean Air Act §382.0561, as codified in the Texas Health and Safety Code, and 30 TAC §122.340.

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact the TCEQ Public Education Program toll free at (800) 687-4040 or (800) RELAY-TX (TDD), at least five business days prior to the hearing.

Any person may also submit written comments before the hearing to the Texas Commission on Environmental Quality, Office of Chief Clerk, MC-105, P. O. Box 13087, Austin, Texas 78711-3087, or electronically at www14.tceq.texas.gov/epic/eComment/. Written comments should include (1) your name, address, and daytime telephone number, and (2) the draft permit number found at the top of this notice.

A notice of proposed final action that includes a response to comments and identification of any changes to the draft permit will be mailed to everyone who submitted: written comments and/or hearing requests, attended and signed in at the hearing, or requested to be on the mailing list for this application. This mailing will also provide instructions for public petitions to the U.S. Environmental Protection Agency (EPA) to request that the EPA object to the issuance of the proposed permit. After receiving a petition, the EPA may only object to the issuance of a permit which is not in compliance with applicable requirements or the requirements of 30 Texas Administrative Code Chapter 122.

Mailing List. In addition to submitting public comments, a person may ask to be placed on a mailing list for this application by sending a request to the TCEQ Office of the Chief Clerk at the address above. Those on the mailing list will receive copies of future public notices (if any) mailed by the Chief Clerk for this application.

Information. For additional information about this permit application or the permitting process, please contact the Texas Commission on Environmental Quality, Public Education Program, MC-108, P.O. Box 13087, Austin, Texas 78711-3087 or toll free at (800) 687-4040. Gen-

eral information about the TCEQ can be found at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained for Formosa Plastics Corporation, Texas by calling Leann Usoff, Air Permitting Assistant Manager at (361) 920-9401.

Notice Issuance Date: November 21, 2025

TRD-202504339

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 25, 2025



Notice of an Application to Amend a Certificate of Adjudication 23-2653C

Notice Issued November 26, 2025

Ingram Readymix No. 87, L.L.C. (Owner/Applicant), 87, L.L.C., 3580 FM 482, New Braunfels, Texas 78132, seeks to amend a portion of Certificate of Adjudication No. 23-2653C to add mining use and a place of use for mining purposes in Val Verde County. Applicant also seeks to add a diversion point on an off-channel reservoir that receives underflow from the Rio Grande. More information on the application and how to participate in the permitting process is given below.

Partial fees were received on July 1, 2024, and the application was received on July 19, 2024. Additional information and fees were received on July 24 and August 26, 2024. The application was declared administratively complete and filed with the Office of the Chief Clerk on August 30, 2024.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, measuring devices at the diversion location. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ web page at view pending Water Right Applications - Texas Commission on Environmental Quality - www.tceq.texas.gov. Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by December 10, 2025. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by December 10, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by December 10, 2025.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns.

Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 2653 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our website at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202504404

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 3, 2025



Notice of an Application to for an Extension of Time to Commence and Complete Construction of a Project Authorized by Certificate of Adjudication 12-4031A

Notice Issued November 26, 2025

Palo Pinto County Municipal Water District No. 1, P.O. Box 387, Mineral Wells, Texas 76068-0387, seeks authorization to extend the time to commence and complete construction of Turkey Peak Dam, located on Palo Pinto Creek, tributary of the Brazos River, Brazos River Basin. More information on the application and how to participate in the permitting process is given below.

Applicant has been previously granted four orders to commence and complete the construction of Turkey Peak Dam. The current order issued on May 9, 2024 required commencement of construction of Turkey Peak Dam by October 12, 2025 and completion of construction by October 12, 2028.

Applicant seeks authorization for an additional extension of time to commence construction of Turkey Peak Dam by October 12, 2026 and complete construction by October 12, 2029.

Fees were received on September 15, 2025, the application was received on September 22, 2025, and additional information was received on September 26, 2025. The application was declared administratively complete and filed with office of the Chief Clerk on October 8, 2025.

The Executive Director has determined that the applicant has shown due diligence and justification for delay. In the event a hearing is held on this application, the Commission shall also consider whether the authorization for the additional storage capacity shall be forfeited for failure to demonstrate sufficient due diligence and justification for delay.

The Executive Director has completed the technical review of the application and prepared a draft Order. The draft Order, if granted, would authorize the extension of time to commence and complete construction of Turkey Peak Dam. The application, technical memo-

randa and Executive Director's draft Order are available for viewing on the TCEQ webpage at: https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps

Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed within 30 days from the date of newspaper publication of this notice. The Executive Director may approve the application unless a written request for a contested case hearing is filed within 30 days after newspaper publication of this notice.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering ADJ 4031 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our website at www.tceq.texas.gov. Si desea información en español, puede llamar al (800) 687-4040 o por el internet al <http://www.tceq.texas.gov>.

TRD-202504403

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 3, 2025



Notice of District Petition - D-07012025-018

Notice issued December 2, 2025

TCEQ Internal Control No. D-07012025-018: Andiron TX 2, LLC, a Delaware limited liability company (Petitioner) filed a petition with the Texas Commission on Environmental Quality (TCEQ) for the an-

nexation of land into FM 875 of Ellis County (District) under Local Government Code Section (§) 42.042 and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to all the property in the proposed annexation area to be included in the District; (2) there are no lienholders on the property to be annexed into the District; (3) the proposed property annexation will contain approximately 9.87 acres located within Ellis County; and (4) all of the land within the proposed property annexation is within the extraterritorial jurisdiction of the City of Midlothian, Texas (City). In accordance with Texas Local Government Code §§42.0425 and 42.042, the Petitioner submitted a petition to the City, requesting the City's consent to the annexation of land into the District. Information provided indicates that the City did not consent to the inclusion of the land into the District's area. After the 90-day period passed without receiving the City's consent to the annexation, the Petitioner submitted a petition to the City requesting the City provide water and sanitary sewer services to the proposed annexation area. The 120-day period for reaching a mutually agreeable contract expired and the information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to Texas Local Government Code §42.042, failure to execute such an agreement constitutes authorization for the Petitioner to initiate proceedings to include the proposed annexation area into the District.

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202504407

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 3, 2025



Notice of Public Meeting Air Permit Renewal Permit Number 18897

APPLICATION. Western Refining Company LLC, has applied to the Texas Commission on Environmental Quality (TCEQ) for renewal of Air Quality Permit Number 18897, which would authorize continued operation of the Petroleum Refinery located at 6501 Trowbridge Drive, El Paso, El Paso County, Texas 79905. **AVISO DE IDIOMA ALTERNATIVO.** El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/air/newsourcesreview/airpermits-pendingpermit-apps>. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-106.395277,31.7675&level=13>. The existing facility and/or related facilities are authorized to emit the following air contaminants: carbon monoxide, hazardous air pollutants, hydrogen sulfide, nitrogen oxides, organic compounds, particulate matter including particulate matter with diameters of 10 microns or less and 2.5 microns or less, sulfur dioxide, sulfuric acid mist and total reduced sulfur.

The executive director has determined the application is administratively complete and will conduct a technical review of the application. In addition to the renewal, this permitting action includes the incorporation of permits by rule, standard permits, changes to qualified facilities, and changes in emission factors related to this permit. An amendment application that is not subject to public notice or an opportunity for a contested case hearing is also being reviewed. The reasons for any changes or incorporations, to the extent they are included in the renewed permit, may include the enhancement of operational control at the plant or enforceability of the permit. **The TCEQ may act on this application without seeking further public comment or providing an opportunity for a contested case hearing if certain criteria are met.**

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Thursday, January 8, 2026 at 7:00 p.m. (MST)

Riverside High School (Theater)

301 Midway Drive

El Paso, Texas 79915

INFORMATION. Members of the public are encouraged to submit written comments anytime during the public meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/>. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at (800) 687-4040. General information can be found at our website at www.tceq.texas.gov. *Si desea información en español, puede llamar al (800) 687-4040.*

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the link, enter the permit number at the top of this form.

The application will be available for viewing and copying at the TCEQ central office and the TCEQ El Paso regional office, 401 East Franklin Avenue, Suite 560, El Paso, El Paso County, Texas. The facility's compliance file, if any exists, is available for public review in the El Paso regional office of the TCEQ. Further information may also be obtained from Western Refining Company LLC, 212 North Clark Drive, El Paso, Texas 79905-3106 or by calling Ms. Rebecca Ayala, Advanced EHS Professional at (915) 526-6394.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or (800) RELAY-TX (TDD) at least five business days prior to the meeting.

Notice Issuance Date: December 2, 2025

TRD-202504408

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 3, 2025



**Notice of Water Quality Application - Minor Amendment
WQ0012716001**

The following notice was issued on December 1, 2025:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin Texas 78711-3087 **WITHIN (30) DAYS FROM THE DATE THIS NOTICE IS PUBLISHED IN TEXAS REGISTER.**

INFORMATION SECTION

The Texas Commission on Environmental Quality has initiated a minor amendment of the Texas Pollutant Discharge Elimination System Permit No. WQ0012716001 issued to Harris County Municipal Utility District No. 285 to correct the effluent parameter Total Cyanide to Free Cyanide. The existing permit authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 1,500,000 gallons per day. The facility is located at 6436 East Sam Houston Parkway North, in Harris County, Texas 77049.

TRD-202504405

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: December 3, 2025

◆ ◆ ◆
**Notice of Water Quality Application - Minor Amendment
WQ0014586001**

The following notice was issued on November 21, 2025:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE THIS NOTICE IS MAILED.

INFORMATION SECTION

Montgomery County Municipal Utility District No. 105 has applied for a minor amendment to the Texas Pollutant Discharge Elimination System Permit No. WQ0014586001 for the addition of two interim phases that would authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 600,000 gallons per day in the Interim II phase and 750,000 gallons per day in the Interim III phase. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 900,000 gallons per day. The facility is located at 4650 Riley Fuzzel Road, in Montgomery County, Texas 77386.

TRD-202504338

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: November 25, 2025

◆ ◆ ◆
General Land Office

Coastal Boundary Survey - Packery Channel Park - Naismith 2022, Nueces County, Texas

Surveying Services

Coastal Boundary Survey

Project: Packery Channel Park - Naismith 2022, Nueces County

Project No: GLO Project No. CL20250008

Project Manager: Amy Nunez, Corpus Christi, Coastal Field Operations.

Surveyor: Jim Naismith, Licensed State Land Surveyor

Description: Coastal boundary survey of the Littoral Boundary along the Mean High Water (MHW) line of The Packery Channel, being the easterly boundary line of the Nicolas & Juan Jose Balli Survey, Abstract number 1998, and the westerly boundary line of State Submerged Land Tract No. 60, Nueces County, Texas, in connection with GLO No. CL20250008. Centroid coordinates 27°37'42.31"N, 97°13'2.47"W, WGS84. A copy of the survey has been recorded in 2023004015, Official Public Records, Nueces County, Texas.

A Coastal Boundary Survey for the above-referenced project has been reviewed and accepted by Surveying Services; upon completion of public notice requirements, the survey will be filed in the Texas General Land Office, Archives and Records, in accordance with provisions of the Tex. Nat. Res. Code §33.136.

by:

Signed: David Klotz, Staff Surveyor

Date: November 13, 2025

Pursuant to Tex. Nat. Res. Code §33.136, the herein described Coastal Boundary Survey is approved by Dawn Buckingham, M.D., Commissioner of the Texas General Land Office.

by:

Signed: Jennifer G. Jones, Chief Clerk and Deputy Land Commissioner

Date: November 24, 2025

Filed as: Nueces County, NRC Article 33.136 Sketch No. 24

Tex. Nat. Res. Code §33.136

TRD-202504344

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: November 28, 2025

◆ ◆ ◆
Office of the Governor

Notice of Available Funding Opportunities

Office of the Governor, Public Safety Office (PSO)

The Public Safety Office is announcing the following funding opportunities for State Fiscal Year 2027. Details for these opportunities, including the open and close date for the solicitation, can be found on the eGrants Calendar (<https://egrants.gov.texas.gov/fundingopp>).

- Active Attack Response Equipment Grant Program - The purpose of this announcement is to solicit applications from law enforcement agencies to equip peace officers with bullet-resistant shields and breaching tools.

- Body-Worn Camera Grant Program - The purpose of this announcement is to solicit applications from law enforcement agencies to equip peace officers with body-worn cameras.

- County Solutions to Address Commercial Sexual Exploitation - The purpose of this funding opportunity is to support solution-driven projects from county governments to prevent, investigate, and prosecute commercial sexual exploitation in Texas. This solicitation is specific to county projects that are not specialty court programs.

- Crime Stoppers Assistance Fund - The purpose of this announcement is to solicit applications to strategically support, expand, and fund local certified Texas Crime Stoppers organizations that help protect our communities.

- Criminal Justice Grant Program - The purpose of this announcement is to solicit applications for projects that promote public safety, reduce crime, and improve the criminal justice system.

- General Victim Assistance Grant Program - The purpose of this program is to provide services and assistance directly to victims of crime to speed their recovery and aid them through the criminal justice process.

- Internet Crimes Against Children Grant Program - The purpose of this announcement is to solicit applications for projects that develop an effective response to technology-facilitated child sexual exploitation and Internet crimes against children that encompasses forensic and investigative components, training and technical assistance, victim services, and community education.

- Juvenile Justice & Youth Diversion Grant Program - The purpose of this announcement is to solicit applications for projects that prevent violence in and around school; and to improve the juvenile justice system

by providing mental health services, truancy prevention, diversion services and intervention through community-based and school programs.

- Paul Coverdell Forensic Sciences Improvement Grant Program - The purpose of this announcement is to solicit applications for projects that improve the quality and timeliness of forensic science or medical examiners services as well as projects seeking to address emerging forensic science. Specific funding has been reserved for projects that support responses to the opioid epidemic.

- Peace Officer Mental Health Program - The purpose of this program is to provide services and assistance directly to peace officers to address direct and indirect trauma that occurs in the course of their normal duties either as the result of the commission of crimes by other persons or in response to an emergency.

- Project Safe Neighborhoods Grant Program - The purpose of this announcement is to solicit applications for projects that are designed to create and foster safer neighborhoods through a sustained reduction in violent crime, including, but not limited to, addressing criminal gangs and felonious possession and use of firearms.

- Residential Substance Abuse Treatment Grant Program - The purpose of this announcement is to solicit applications to provide residential substance use disorder (SUD) treatment within local correctional and detention facilities.

- Rifle-Resistant Body Armor Grant Program - The purpose of this announcement is to solicit applications from law enforcement agencies to equip peace officers with rifle-resistant body armor.

- Sexual Assault Evidence Testing Grant Program - The purpose of this announcement is to solicit applications from law enforcement agencies for costs associated with the forensic analysis of physical evidence in relation to sexual assault or other sex offenses.

- Sexual Assault Forensic Exam (SAFE)-Ready Facilities Program - The purpose of this announcement is to solicit applications from hospital facilities seeking to achieve or maintain a Sexual Assault Forensic Exam (SAFE)-Ready designation, as well as non-profit corporations seeking to operate or maintain a SAFE Program as defined in Chapter 323 of the Texas Health and Safety Code.

- Specialized Advocacy for Commercially Sexually Exploited Youth - The purpose of this funding opportunity is to support Commercially Sexually Exploited Youth (CSEY) Advocacy programs. CSEY Advocacy programs provide individualized 24/7 crisis response, ongoing trust-based relational support, and case management for children and transition-age youth who are survivors of commercial sexual exploitation. For this solicitation, children are considered individuals 0-17 years of age and transition-age youth are individuals 18-24 years of age.

- Specialty Courts Grant Program - The purpose of this announcement is to solicit applications for specialty court programs as defined in Chapters 121 through 130 of the Texas Government Code as well as the continuation of a training and technical assistance resource center.

- State and Local Cybersecurity Grant Program: Governance and Planning Projects - The State and Local Cybersecurity Grant Program (SLCGP) supports cybersecurity efforts to address imminent cybersecurity threats to local information systems including implementing investments that support local governments with managing and reducing systemic cyber risk associated with the Governance and Planning SLGCP objective. This purpose of this objective is to develop and establish appropriate governance structures, including developing, implementing, or revising cybersecurity plans, to improve capabilities to respond to cybersecurity incidents and ensure continuity of operations.

- State and Local Cybersecurity Grant Program: Assessment and Evaluation Projects - The State and Local Cybersecurity Grant Program (SLCGP) supports cybersecurity efforts to address imminent cybersecurity threats to local information systems including implementing investments that support local governments with managing and reducing systemic cyber risk associated with the Assessment and Evaluation SLGCP objective. This purpose of this objective is to understand the current cybersecurity posture and areas for improvement based on continuous testing, evaluation, and structured assessments.

- State and Local Cybersecurity Grant Program: Mitigation - The State and Local Cybersecurity Grant Program (SLCGP) supports cybersecurity efforts to address imminent cybersecurity threats to local information systems including implementing investments that support local governments with managing and reducing systemic cyber risk associated with the Mitigation SLGCP objective. This purpose of this objective is to implement security protections commensurate with risk.

- State and Local Cybersecurity Grant Program: Workforce Development - The State and Local Cybersecurity Grant Program (SLCGP) supports cybersecurity efforts to address imminent cybersecurity threats to local information systems including implementing investments that support local governments with managing and reducing systemic cyber risk associated with the Workforce Development SLGCP objective. This purpose of this objective is to ensure organization personnel are appropriately trained in cybersecurity, commensurate with responsibility.

- State Crisis Intervention Grant Program - The purpose of this announcement is to solicit applications for projects that promote the prevention, intervention, and reduction of crime and violence and provide essential crisis services to at-risk populations within Texas communities.

- Testing of Forensic Evidence Grant Program - The purpose of this announcement is to solicit applications from district attorney offices for costs associated with the forensic analysis of physical evidence or from local law enforcement, district attorneys, medical examiners, and coroners' offices for costs associated with forensic genetic genealogical DNA analysis.

- Texas Model for Care Coordination Grant Program - The purpose of this funding opportunity is to support programs to implement the Texas Model for Care Coordination for Commercially Sexually Exploited Youth (CSEY). The Care Coordination Model is a consensus-driven, collaborative approach to identify and recover CSEY, and to facilitate tailored, accessible, trauma-informed, and holistic resources through a coordinated network of providers. The target population is youth (0-17) with an option to serve transition-age youth (18-24), capacity permitting.

- Violence Against Women Justice and Training Program - The purpose of this announcement is to solicit applications for projects that promote a coordinated, multi-disciplinary approach to improve the justice system's response to violent crimes against women, including domestic violence, sexual assault, dating violence, and stalking.

TRD-202504411

Angie Martin

Grants Administration Division Director

Office of the Governor

Filed: December 3, 2025

◆ ◆ ◆
Texas Health and Human Services Commission

Public Notice: Texas State Plan Amendment
Medication-Assisted Treatment (MAT) Effective
October 1, 2025

The Texas Health and Human Services Commission (HHSC) announces its intent to submit transmittal number 25-0038 to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act.

The purpose of this amendment is to update the Texas Medicaid State Plan to reflect the permanent federal requirement for coverage of Medication-Assisted Treatment for opioid use disorder. Coverage under the current Medicaid State Plan ended September 30, 2025. This amendment makes coverage of Medication-Assisted Treatment for opioid use disorder permanent to reflect the federal requirement. This amendment does not introduce changes to covered services, eligibility, or provider reimbursement rates. The proposed amendment is effective October 1, 2025.

The proposed amendment is estimated to have no fiscal impact.

To obtain copies of the proposed amendment, interested parties may contact Jayasree Sankaran, State Plan Coordinator, by mail at the Health and Human Services Commission, PO Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 438-4331; or by email at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. The Access and Eligibility Services for local benefit offices will post this notice for 30 days and will have copies of the amendment available for review.

TRD-202504400

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: December 2, 2025



Department of State Health Services

Licensing Actions for Radioactive Materials

During the first half of November 2025, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

NEW LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
FRIENDSWOOD	FRIENDSWOOD CARDIAC IMAGING LLC	L07289	FRIENDSWOOD	00	11/06/25
THROUGHOUT TX	SUPREME NDT LLC	L07291	KATY	00	11/14/25

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
AUSTIN	ICU MEDICAL INC	L06846	AUSTIN	04	11/12/25
BEAUMONT	G-3 CHICKADEE PURCHASER LLC	L06063	BEAUMONT	09	11/04/25
EL PASO	RIO GRANDE UROLOGY PA	L06721	EL PASO	12	11//04/25
EL PASO	TENET HOSPITALS LIMITED DBA THE HOSPITALS OF PROVIDENCE EAST CAMPUS	L06152	EL PASO	47	11/03/25
FORT WORTH	STERIGENICS US LLC	L03851	FORT WORTH	60	11/13/25
FORT WORTH	TEXAS ONCOLOGY PA	L05545	FORT WORTH	84	11/04/25
FORT WORTH	TARRANT COUNTY HOSPITAL DISTRICT DBA JPS HEALTH NETWORK	L02208	FORT WORTH	99	11/06/25
FRISCO	FRISCO MEDICAL CENTER LLP DBA BAYLOR SCOTT & WHITE MEDICAL CENTER - FRISCO	L07099	FRISCO	03	11/12/25
HOUSTON	THE METHODIST HOSPITAL RESEARCH INSTITUTE DBA HOUSTON METHODIST RESEARCH INSTITUTE	L06331	HOUSTON	22	11/03/25
HOUSTON	HALLIBURTON ENERGY SERVICES INC	L00442	HOUSTON	153	11/10/25
HOUSTON	HALLIBURTON ENERGY SERVICES INC	L00442	HOUSTON	154	11/12/25

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
KERRVILLE	METHODIST PHYSICIAN PRACTICES PLLC DBA SOUTH TEXAS CARDIOVASCULAR CONSULTANTS	L06635	KERRVILLE	09	11/06/25
STEPHENVILLE	TEXAS HEALTH HARRIS METHODIST HOSPITAL STEPHENVILLE	L07222	STEPHENVILLE	02	11/14/25
THROUGHOUT TX	CME TESTING AND ENGINEERING INC	L05263	COLLEGE STATION	16	11/10/25
THROUGHOUT TX	AKUMIN IMAGING TEXAS LLC DBA SOUTHWEST X-RAY	L05207	EL PASO	32	11/06/25
THROUGHOUT TX	H&H X-RAY SERVICES INC	L02516	FLING	99	11/14/25
THROUGHOUT TX	EVERETT QUALITY SERVICES LLC	L07262	HOUSTON	02	11/06/25
THROUGHOUT TX	NATIONAL OILWELL VARCO LP	L00287	HOUSTON	171	11/04/25
THROUGHOUT TX	THE UNIVERSITY OF TEXAS M D ANDERSON CANCER CENTER	L00466	HOUSTON	195	11/05/25
THROUGHOUT TX	CACTUS MEASUREMENT LLC	L07187	MIDLAND	007	11/03/25
THROUGHOUT TX	OLIVIER INTERNATIONAL LLC	L07031	ODESSA	04	11/14/25
THROUGHOUT TX	RCI CONSULTANTS INC DBA RCI ENERGY GROUP	L07172	PASADENA	04	11/06/25
THROUGHOUT TX	TIER 1 INTEGRITY LLC	L06718	PASADENA	30	11/06/25

AMENDMENTS TO EXISTING LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
THROUGHOUT TX	BRAUN INTERTEC CORPORATION	L06681	TYLER	28	11/10/25
WACO	HILLCREST BAPTIST MEDICAL CENTER DBA BAYLOR SCOTT & WHITE MEDICAL CENTER HILLCREST	L00845	WACO	133	11/13/25
YOAKUM	YOAKUM COMMUNITY HOSPITAL	L05913	YOAKUM	12	11/12/25

RENEWAL OF LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
GROESBECK	SOUTH LIMESTONE HOSPITAL DISTRICT DBA LIMESTONE MEDICAL CENTER	L05932	GROESBECK	12	11/04/25
IRVING	TEXAS ONCOLOGY PA	L06702	IRVING	04	11/14/25
PORT ARTHUR	BASF TOTALENERGIES PETROCHEMICAL S LLC	L05914	PORT ARTHUR	15	11/13/25

TERMINATIONS OF LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
HOUSTON	YONGQI YONG MD PA	L06603	HOUSTON	04	11/12/25
THROUGHOUT TX	PEACHTREE CONSTRUCTION LTD	L05401	FORT WORTH	12	11/06/25

TRD-202504396
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: December 1, 2025



Texas Department of Insurance

Company Licensing

Correction: in the November 21st issue of the *Texas Register*, a name reservation was published for "Nasau Insurance Company of Texas." The correct name is Nassau Insurance Company of Texas. The home office is in Austin, Texas.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of Andrew Guerrero, 1601 Congress Ave., Suite 6.900, Austin, Texas 78701.

TRD-202504343
Justin Beam
Chief Clerk
Texas Department of Insurance
Filed: November 26, 2025



Texas Department of Licensing and Regulation

Scratch Ticket Game Number 2710 "9s IN A LINE"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2710 is "9s IN A LINE". The play style is "row/column/diagonal".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2710 shall be \$1.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2710.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: BAR SYMBOL, BELL SYMBOL, CHEST SYMBOL, CLUB SYMBOL, CROWN SYMBOL, DIAMOND SYMBOL, HEART SYMBOL, RING SYMBOL, STAR SYMBOL, 9 SYMBOL, \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$15.00, \$30.00, \$50.00, \$100, \$150, \$300 and \$500.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2710 - 1.2D

PLAY SYMBOL	CAPTION
BAR SYMBOL	BAR
BELL SYMBOL	BELL
CHEST SYMBOL	CHEST
CLUB SYMBOL	CLUB
CROWN SYMBOL	CROWN
DIAMOND SYMBOL	DIAMOND
HEART SYMBOL	HEART
RING SYMBOL	RING
STAR SYMBOL	STAR
9 SYMBOL	TRP
\$1.00	ONE\$
\$2.00	TWO\$
\$3.00	THR\$
\$5.00	FIV\$
\$10.00	TEN\$
\$15.00	FFN\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$150	ONFF
\$300	THHN
\$500	FVHN

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2710), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 150 within each Pack. The format will be: 2710-0000001-001.

H. Pack - A Pack of the "9s IN A LINE" Scratch Ticket Game contains 150 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of five (5). Tickets 001 to 005 will be on the top page; Tickets 006 to 010 on the next page; etc.; and Tickets 146 to 150 will be on the last page with backs exposed. Ticket 001 will be folded over so the front of Ticket 001 and 010 will be exposed.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery and Charitable Bingo Division of the Texas Department of Licensing and Regulation (Texas Lottery) pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "9s IN A LINE" Scratch Ticket Game No. 2710.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "9s IN A LINE" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose ten (10) Play Symbols. If a player reveals 3 matching Play Symbols in any one row, column or diagonal line, the player wins the PRIZE. If the player reveals 3 "9" Play Symbols in any one row, column or diagonal line, the player wins TRIPLE the PRIZE. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly ten (10) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly ten (10) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the ten (10) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the ten (10) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director of the Texas Lottery (Executive Director) may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. A Ticket can win up to one (1) time in accordance with the prize structure.

B. Consecutive Non-Winning Tickets within a Pack will not have matching patterns of Play Symbols in the same order. Consecutive Non-Winning Tickets within a Pack may have matching Prize Symbols because only one Symbol appears on the Ticket.

C. Two (2) "9" (TRP) Play Symbols will appear on all Non-Winning Tickets.

D. All Tickets will have at least one (1) row, column or diagonal line that contains two (2) matching Play Symbols plus one (1) different Play Symbol, unless restricted by other parameters, play action or prize structure.

E. Winning Tickets will only have one (1) occurrence of three (3) matching Play Symbols in any row, column or diagonal line.

F. Three (3) "9" (TRP) Play Symbols will appear in any row, column or diagonal line on winning Tickets as dictated by the prize structure to win TRIPLE the PRIZE.

2.3 Procedure for Claiming Prizes.

A. To claim a "9s IN A LINE" Scratch Ticket Game prize of \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$15.00, \$30.00, \$50.00, \$100, \$150, \$300 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$100, \$150, \$300 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B of these Game Procedures.

B. As an alternative method of claiming a "9s IN A LINE" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

D. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "9s IN A LINE" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "9s IN A LINE" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 19,200,000 Scratch Tickets in Scratch Ticket Game No. 2710. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2710 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$1.00	2,176,000	8.82
\$2.00	1,152,000	16.67
\$3.00	512,000	37.50
\$5.00	192,000	100.00
\$10.00	192,000	100.00
\$15.00	64,000	300.00
\$30.00	12,800	1,500.00
\$50.00	6,400	3,000.00
\$100	3,200	6,000.00
\$150	1,920	10,000.00
\$300	960	20,000.00
\$500	160	120,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.45. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2710 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §140.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2710, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140, and all final decisions of the Executive Director.

TRD-202504319

Deanne Rienstra
Interim General Counsel Lottery and Charitable Bingo
Texas Department of Licensing and Regulation
Filed: November 24, 2025

North Central Texas Council of Governments

Request for Proposal (RFP) for Training Sessions for Bicycle and Pedestrian Design Guides and Safe Routes to School Planning

The North Central Texas Council of Governments (NCTCOG) is requesting written proposals from consultant firms interested in conducting training sessions related to Safe Routes to School planning and design guides for bicycle and pedestrian facilities. The training sessions are intended for audiences with various backgrounds including public and private sector engineers and planners, other types of government professionals and officials, and school officials. NCTCOG is seeking consultant teams with demonstrated expertise to instruct and lead one or more training series topics. Each of the four following topics will

involve one-day sessions to allow for in-depth review and discussion of the related topics and group exercises:

- American Association of State Highway Officials (AASHTO) Guide for the Development of Bicycle Facilities, 5th Edition
- National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide, 3rd Edition.
- Public Right-of-Way Accessibility Guidelines (PROWAG) published in 2023.
- Safe Routes to School planning and project implementation, including best practices, programs, projects, and policies.

Proposals must be received in-hand no later than **5:00 p.m., Central Time, on Friday, January 9, 2026**, to Kevin Kokes, Program Manager, Land Use and Mobility Options, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011. Proposals received after that time will not be considered and will be returned to the proposer unopened. The in-hand submittal will serve as the official submittal. In addition, NCTCOG is testing a new e-procurement system and therefore the RFP will also be released through the Bidnet Direct system (a link will be provided when the RFP is published). NCTCOG encourages electronic submissions through the Bidnet system, in addition to the in-hand submittal; however an electronic submittal only will not be considered in lieu of the required in-hand submittal. The Request for Proposals will be available at www.nctcog.org/rfp by the close of business on **Friday, December 12, 2025**.

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-202504412

Todd Little

Executive Director

North Central Texas Council of Governments

Filed: December 3, 2025

Public Utility Commission of Texas

Notice of Intent to Implement a Minor Rate Change Under 16 Texas Administrative Code §26.171

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on November 24, 2025, to implement a minor rate change under 16 Texas Administrative Code §26.171.

Tariff Control Title and Number: Application of Taylor Telephone Cooperative, Inc. For A Minor Rate Change Under 16 TAC §26.171, Tariff Control Number 59021.

The Application: On November 21, 2025, Taylor Telephone Cooperative, Inc. filed an application with the Commission for approval to make a minor change in its rates to reduce the restoration charge for customers who may have had their service temporarily suspended for non-payment charges. The proposed rate changes will take effect on January 1, 2026. The estimated net decrease to Taylor Telephone's total regulated intrastate gross annual revenues due to the proposed changes is approximately \$54,169.80. If the Commission receives a complaint(s) relating to this proposal signed by 5% or more of Taylor Telephone's customers to which this proposal applies prior to January 1, 2026, the notice will be docketed. The 5% threshold will be calculated based upon the total number of affected customers as of the calendar month preceding the Commission's receipt of the complaint(s). As of

November 20, 2025, the 5% threshold equals approximately 76 customers.

Persons wishing to comment on this application should contact the Public Utility Commission of Texas by January 6, 2026. Requests to intervene should be filed with the Commission's Filing Clerk at P.O. Box 13326, Austin, Texas 78711-3326, or you may call the Commission at (512) 936-7120 or toll-free (800) 735-2989. Hearing and speech-impaired individuals with text telephones (TTY) may contact the Commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Tariff Control Number 59021.

TRD-202504320

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: November 24, 2025

Notice of Intent to Implement a Minor Rate Change Under 16 Texas Administrative Code §26.171

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on November 14, 2025, to implement a minor rate change under 16 Texas Administrative Code (TAC) §26.171.

Tariff Control Title and Number: Application of Colorado Valley Telephone Cooperative, Inc. For A Minor Rate Change Under 16 TAC §26.171, Tariff Control Number 58992.

The Application: On November 14, 2025, Colorado Valley Telephone Cooperative, Inc. filed an application with the Commission for approval to make a minor change in its rates to increase basic local access line rates for residential customers by \$2.10, or from \$18.45 to \$20.55, throughout the Colorado Valley's service territory. Concurrent with the increase in basic local access line rates, Colorado Valley will remove the access recovery charge of \$2.50 for residential customers. The proposed rate changes will take effect on January 1, 2026. The estimated net increase to Colorado Valley's total regulated intrastate gross annual revenues due to the proposed changes is approximately \$65,280. If the Commission receives a complaint(s) relating to this proposal signed by 5% or more of Colorado Valley's customers to which this proposal applies prior to January 5, 2026, the notice will be docketed. The 5% threshold will be calculated based upon the total number of affected customers as of the calendar month preceding the Commission's receipt of the complaint(s). As of October 1, 2025, the 5% threshold equals approximately 163 customers.

Persons wishing to comment on this application should contact the Public Utility Commission of Texas by January 5, 2026. Requests to intervene should be filed with the Commission's Filing Clerk at P.O. Box 13326, Austin, Texas 78711-3326, or you may call the Commission at (512) 936-7120 or toll-free (800) 735-2989. Hearing and speech-impaired individuals with text telephones (TTY) may contact the Commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Tariff Control Number 58992.

TRD-202504337

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: November 25, 2025

Notice of Intent to Implement a Minor Rate Change Under 16
Texas Administrative Code §26.171

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on November 24, 2025, to implement a minor rate change under 16 Texas Administrative Code §26.171.

Tariff Control Title and Number: Application of Taylor Telephone Cooperative, Inc. For A Minor Rate Change Under 16 TAC §26.171, Tariff Control Number 59021.

The Application: On November 21, 2025, Taylor Telephone Cooperative, Inc. filed an application with the Commission for approval to make a minor change in its rates to increase basic local access line rates for residential customers throughout Taylor Telephone's service territory. Concurrent with the increase in basic local access line rates, Taylor Telephone will remove the Access Recovery Charge for residential customers. The proposed rate changes will take effect on January 1, 2026. The estimated net decrease to Taylor Telephone's total regulated intrastate gross annual revenues due to the proposed changes is approximately \$54,169.80. If the Commission receives a complaint(s) relating to this proposal signed by 5% or more of Taylor Telephone's customers to which this proposal applies prior to January 1, 2026, the notice will be docketed. The 5% threshold will be calculated based upon the total number of affected customers as of the calendar month preceding the Commission's receipt of the complaint(s). As of November 20, 2025, the 5% threshold equals approximately 76 customers.

Persons wishing to comment on this application should contact the Public Utility Commission of Texas by January 6, 2026. Requests to intervene should be filed with the Commission's Filing Clerk at P.O. Box 13326, Austin, Texas 78711-3326, or you may call the Commission at (512) 936-7120 or toll-free 1-800-735-2989. Hearing and speech-impaired individuals with text telephones (TTY) may contact the Commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Tariff Control Number 59021.

TRD-202504401

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: December 2, 2025

◆ ◆ ◆
Supreme Court of Texas

Approval of Amendments to the Texas Rules of Judicial
Education (Joint Order, Court of Criminal Appeals Misc.
Docket No. 25-006)

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," this order is not included in the print version of the Texas Register. The order is available in the on-line version of the December 12, 2025, issue of the Texas Register.)

TRD-202504317

Jaclyn Daumerie

Rules Attorney

Supreme Court of Texas

Filed: November 21, 2025

◆ ◆ ◆
Final Order Approving Amendments to Rule 23 of the Rules
Governing Admission to the Bar of Texas, Article XIV of
the State Bar Rules, and Rule 3.4 of the Rules of the Judicial
Branch Certification Commission

Supreme Court of Texas

Misc. Docket No. 25-9097

Final Order Approving Amendments to Rule 23 of the Rules Governing Admission to the Bar of Texas, Article XIV of the State Bar Rules, and Rule 3.4 of the Rules of the Judicial Branch Certification Commission

ORDERED that:

1. On August 29, 2025, in Misc. Docket No. 25-9063, the Court approved amendments to Rule 23 of the Rules Governing Admission to the Bar of Texas, Article XIV of the State Bar Rules, and Rule 3.4 of the Rules of the Judicial Branch Certification Commission, and invited public comment.
2. The amendments contained in Misc. Docket No. 25-9063 went into effect on September 1, 2025. No comments were received, and no additional changes have been made to the amendments. This order gives final approval of the amendments set forth in Misc. Docket No. 25-9063 and reproduced below.
3. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and
 - d. submit a copy of this order for publication in the *Texas Register*.


Dated: November 21, 2025.



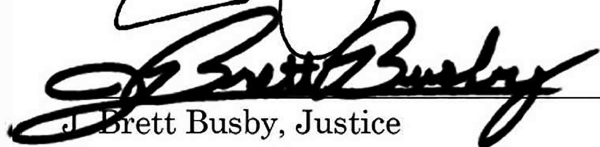
James D. Blacklock, Chief Justice



Debra H. Lehrmann, Justice



John P. Devine, Justice



J. Brett Busby, Justice



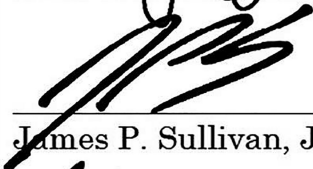
Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice



Kyle D. Hawkins, Justice

Rules Governing Admission to the State Bar of Texas

Rule 23

Temporary License for Military Service Member or Military Spouse

§1 Definitions

(a) “Jurisdiction” means any state or U.S. territory.

(~~a~~b) “Military Service Member” means an active-duty military service member.

(~~b~~c) “Military Spouse” means the spouse of a Military Service Member.

§2 Eligibility

A Military Service Member or a Military Spouse is eligible for a ~~three~~five-year temporary license to practice law in Texas if the Military Service Member or the Military Spouse:

(a) is admitted to practice law in another ~~State~~jurisdiction;

(b) is in good standing in all jurisdictions where admitted and an active member of the bar in at least one ~~State~~jurisdiction;

(c) is not currently subject to discipline or the subject of a pending disciplinary matter in any jurisdiction;

(d) has never been disbarred or resigned in lieu of discipline in any jurisdiction;

(e) has never had an application for admission to any jurisdiction denied on character or fitness grounds;

(f) meets the law study requirements of Rule 3 or is exempted under Rule 13 §§ 3, 4, or 5; and

(g) has satisfactorily completed the Texas Law Component; ~~and~~

(~~h~~) ~~is residing in Texas.~~

§3 Application

A Military Service Member or a Military Spouse must submit to the Board:

- (a) an application for temporary licensure on a form prescribed by the Board that includes a statement that the applicant has read and agrees to comply with Article XIV of the State Bar Rules;
- (b) a copy of the Military Service Member's military orders;
- (c) a certificate of good standing from the entity with final jurisdiction over professional discipline in each jurisdiction of admission; ~~and~~
- (d) if the applicant is a Military Spouse, a copy of the Military Spouse's marriage license; and
- (~~e~~) any other evidence demonstrating that the Military Service Member or the Military Spouse satisfies the eligibility requirements of Section 2 that the Board may require.

§4 Certification to Supreme CourtBoard Action

Within 10 days after the application is submitted, If the Board must either:

- (a) notify the Military Service Member or the Military Spouse that the application is incomplete;
- (b) notify the Military Service Member of the Military Spouse that the application is denied and the reason for the denial; or
- (c) if the Board determines that a the Military Service Member or a the Military Spouse has satisfied the requirements of Sections 1-3, the Board must recommend to the Supreme Court the temporary licensure of the Military Service Member or the Military Spouse; and notify the Military Service Member or the Military Spouse.

§5 Fee Waiver

A Military Service Member or a Military Spouse is not required to pay:

- (a) the fees required by Rule 18; or
- (b) the licensing fee to the Supreme Court Clerk.

State Bar Rules

ARTICLE XIV MILITARY SERVICE MEMBER AND MILITARY SPOUSE TEMPORARY LICENSE

Section 1. Definitions

A “temporary licensee” is an attorney who:

- is ~~the spouse of an active-duty military service member who has been ordered stationed in Texas~~ or the spouse or an active-duty military service member; and
- has been issued a ~~three~~five-year temporary license to practice law in Texas by the Court in accordance with the Rules Governing Admission to the Bar of Texas.

Section 2. Licensure

The Texas Board of Law Examiners is responsible for determining whether an applicant seeking a military service member or military spouse temporary license meets the conditions set by the Court under the Rules Governing Admission to the Bar of Texas.

Section 3. Rights and Obligations; Discipline

A. A temporary licensee is entitled to all the rights and privileges and subject to all the obligations and responsibilities of active members of the State Bar that are set forth in the State Bar Act, the State Bar Rules, the Texas Disciplinary Rules of Professional Conduct, the Texas Rules of Disciplinary Procedure, and any other Texas laws or rules governing the conduct or discipline of attorneys.

B. A temporary licensee may be sanctioned or disciplined by a court or the State Bar in the same manner as an active member of the State Bar.

Section 4. Education

A. No later than six months after temporary licensure, a temporary licensee must complete the *Justice James A. Baker Guide to Ethics and Professionalism in Texas* course, administered by the Texas Center for Legal Ethics.

B. A temporary licensee is subject to the MCLE requirements in Article XII.

Section 5. Membership Fees

A temporary licensee must pay the State Bar membership fees required of an active member of the State Bar, unless waived under Article III, Section 8.

Section 6. Renewal Prohibited

A temporary licensee cannot renew a military service member or military spouse temporary license.

Section 7. Expiration; Notice

A. A military spouse temporary license expires on the ~~third~~ fifth anniversary of the date of issuance, unless terminated earlier pursuant to Section 8.

B. No later than 60 days before the expiration of a temporary license, a temporary licensee must:

1. file a notice in each matter pending before any court, tribunal, agency, or commission that the temporary licensee will no longer be involved in the matter; and
2. provide written notice to all the temporary licensee's clients that the temporary licensee will no longer represent them.

Section 8. Termination; Notice

A. A military service member or military spouse temporary license will terminate and a temporary licensee must cease the practice of law in Texas on the earlier of the temporary license's expiration or:

1. ~~31 days~~ 3 years after any of the following events:

- a. ~~1.~~ the service member's separation or retirement from military service;
- ~~2.~~ the service member's permanent relocation to another jurisdiction, unless the service member's assignment specifies that dependents are not authorized to accompany the service member;
- ~~3.~~ the temporary licensee's permanent relocation outside of Texas;
- b. ~~4.~~ the temporary licensee's spousal relationship to the service member ends;

c. the temporary licensee's regular admission to practice law in Texas;
or

2. 31 days after any of the following events:

a. ~~5.~~—the denial by the Texas Board of Law Examiners of the temporary licensee's application for regular admission to practice law in Texas for reasons related to character and fitness;

~~6.~~—the temporary licensee's regular admission to practice law in Texas;

b. ~~7.~~—the imposition of a disciplinary sanction, other than a private reprimand or a referral to the State Bar's Grievance Referral Program, in any jurisdiction;

c. ~~8.~~—the conviction in any jurisdiction of a serious crime or intentional crime as defined in the Texas Rules of Disciplinary Procedure; or

d. ~~9.~~—the temporary licensee's written request filed with the Texas Board of Law Examiners and the State Bar.

B. In the event of a terminating event under (A)(1)(a)-(b), a temporary licensee must:

1. provide written notice to the State Bar within 30 days after the terminating event; and

2. at least 60 days before termination:

a. file a notice in each matter pending before any court, tribunal, agency, or commission that the temporary licensee will no longer be involved in the matter; and

b. provide written notice to all the temporary licensee's clients that the temporary licensee will no longer represent them.

BC. Within 30 days after a terminating event in (AB), ~~except (A)(6),~~ a temporary licensee must:

1. provide written notice to ~~the Texas Board of Law Examiners and the~~ State Bar;
2. file a notice in each matter pending before any court, tribunal, agency, or commission that the temporary licensee will no longer be involved in the matter; and
3. provide written notice to all the temporary licensee's clients that the temporary licensee will no longer represent them.

CD. Upon receipt of a notice required under (B) or (C), the State Bar must forward the notice to the Clerk for revocation of the military service member or military spouse temporary license.

Rules of the Judicial Branch Certification Commission

3.4 ~~Alternative Application Procedure~~Certification for Military Spouses, Military Service Members, and Veterans

- (a) Pursuant to Chapter 55 of the Occupations Code, the Commission must grant ~~credit toward certification, registration, and licensing requirements for relevant verified military service education, training, and experience earned by~~ a license to a military service member or a military veteran, or military spouse who applies for certification, registration, or licensure. The Commission may withhold credit from a military service member or veteran who currently holds, in good standing, a restricted certification, registration, or license, similar in scope of practice, issued by another jurisdiction or has an unacceptable criminal history jurisdiction. The Commission must issue a certification, registration, or license to a military service member, military veteran, or a military spouse who within the five years preceding the application date, held a certification, registration, or license in this State.
- (b) The Commission must expedite applications for certification, registration, and licensure which are filed by military service members, military veterans, and military spouses.
- ~~(c) The Commission may issue a certification, registration, or license to an applicant who is a military service member, the spouse of a military service member, or a military veteran and:~~

- ~~(1) — holds a current certification, registration, or license issued by another state that has requirements that are substantially equivalent to the requirements for the certification, registration, or license; or~~
- ~~(2) — within the five years preceding the application date, held a certification, registration, or license in this State.~~
- ~~(d) — The Commission may allow an applicant who meets the requirements of (e) to demonstrate competency by alternative methods or credentials in order to meet the requirements for obtaining a particular certification, registration, or license issued by the Commission. For purposes of this Section, the standard methods of demonstrating competency are the specific exam, education, and experience required to obtain a particular certification, registration, or license.~~
- ~~(e) — In lieu of the standard methods of demonstrating competency for a particular certification, registration, or license and based on the applicant's circumstances, the alternative methods for demonstrating competency may include any combination of the following as determined by the Commission:~~
 - ~~(1) — education;~~
 - ~~(2) — continuing education;~~
 - ~~(3) — examinations (written or skills);~~
 - ~~(4) — letters of good standing;~~
 - ~~(5) — letters of recommendation;~~
 - ~~(6) — work experience; or~~
 - ~~(7) — other methods or credentials required by the Commission.~~
- ~~(f) —~~ The applicant must:
 - (1) submit an application and proof of the requirements under this rule and for that particular certification, registration, or license on a form and in a manner prescribed by the Commission; and

- (2) be subject to the same criminal history background check required of the persons applying for that particular certification, registration, or license.

(~~gd~~) A person who applies for a certification, registration, or license under this rule is exempt from paying an application fee.

(~~he~~) Military Service Member and Military Spouse Temporary Authorization.

- (1) The Commission must, within 10 business days, issue a military service member or a military spouse written confirmation that the military service member or military spouse may engage temporarily in a regulated practice without certification, registration, or licensure, upon submitting:

(A) ~~receipt of written notice from the military spouse of the intent~~ an application for temporary authority to engage in the regulated practice in Texas;

(B) a copy of military orders showing the military service member relocation to Texas;

(~~BC~~) ~~receipt of~~ if the applicant is a military spouse, a copy of the military spouse's military identification card and proof of residency in Texas, including a copy of the permanent change of station order for the military service member to whom the spouse is married, including a copy of the permanent change of station order for the military service member to whom the spouse is married marriage license; and

(~~CD~~) ~~verification that~~ a notarized affidavit affirming under penalty of perjury that the applicant is the person identified in the application, the ~~military spouse~~ applicant is certified, registered, or licensed in good standing in each jurisdiction where the applicant holds or has held certification, registration, or licensure; and the applicant understands the scope of practice for which the applicant seeks certification, registration, or licensure and will not exceed the scope of practice another jurisdiction, that has certification,

~~registration, or licensing requirements that are substantially equivalent to the Commission's requirements.~~

(2) If the application is incomplete or the Commission is unable to recognize the applicant's out-of-jurisdiction license because the agency does not issue a license similar in scope of practice to the applicant's license, the Commission must notify the applicant within 10 business days.

(23) A military service member or military spouse engaging temporarily in a regulated practice is entitled to all the rights and privileges and subject to all the obligations and responsibilities of a regulated person, and may be sanctioned or disciplined in the same manner as a regulated person.

(34) ~~Written authorization to engage~~A military service member or military spouse engaging temporarily in a regulated practice without certification, registration, or licensure ~~is valid~~may do so until the earliest of the following:

(A) the military service member or the military service member to whom the military spouse is married is no longer stationed at a military installation in Texas;

(B) ~~the end of three years after the date of application submittal under (1)(A), if the military spouse's marriage to the military service member ends; or~~

(C) the imposition of a disciplinary sanction;~~or,~~

~~(D) three years from the date of issuance of written confirmation.~~

(45) A military spouse cannot renew a temporary authorization but may obtain a certification, registration, or license from the Commission pursuant to these Rules.

in the print version of the Texas Register. The order is available in the on-line version of the December 12, 2025, issue of the Texas Register.)

TRD-202504315
Jaclyn Daumerie
Rules Attorney
Supreme Court of Texas
Filed: November 21, 2025



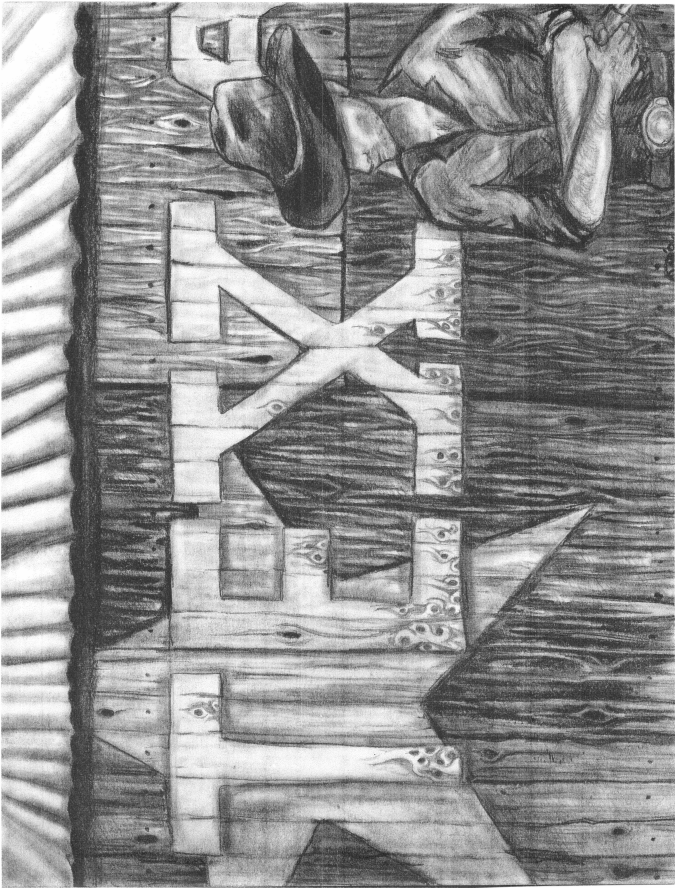
Teacher Retirement System of Texas

Report of Fiscal Transactions, Accumulated Cash and
Securities, and Rate of Return on Assets and Actuary's
Certification of Actuarial Valuation and Actuarial Value of
Future Benefits

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," this document is not included in the print version of the Texas Register. The document is available in the on-line version of the December 12, 2025, issue of the Texas Register.)

TRD-202504314
Brian Guthrie
Executive Director
Teacher Retirement of Texas
Filed: November 21, 2025





How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 50 (2025) is cited as follows: 50 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “50 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 50 TexReg 3.”

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <https://www.sos.texas.gov>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC.

The TAC volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete TAC is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the TAC, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the TAC scheme, each section is designated by a TAC number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; TAC stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s TAC number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION

Part 4. Office of the Secretary of State

Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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