

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 2. TEXAS ANIMAL HEALTH COMMISSION

CHAPTER 32. HEARING AND APPEAL PROCEDURES

4 TAC §§32.1 - 32.5

The Texas Animal Health Commission (commission) in a duly noticed meeting on January 23, 2024, adopted amendments and additions to Title 4, Texas Administrative Code, Chapter 32 titled "Hearing and Appeal Procedures." Specifically, the commission adopted amendments to §32.1 Definitions, §32.2 Appeal of a Decision or Order by the Executive Director, §32.5 Decisions and Orders, and new additions to §32.3 Appeals of Other Orders and Decisions, and §32.4 Hearing Procedures. The amendment to §32.3 is being adopted with changes and will be republished. The amendments and additions to §§32.1, 32.2, 32.4 and 32.5 were adopted without changes to the proposed text published in the September 1, 2023, issue of the *Texas Register* (48 TexReg 4720) and will not be republished.

JUSTIFICATION FOR RULE ACTION

The commission adopts amendments and additions to Chapter 32, concerning Hearing and Appeal Procedures, to provide clearer guidance on the existing appeal process and to better align the appeal requirements with the statutory requirements set forth in the Texas Agriculture Code and the Administrative Procedure Act.

HOW THE RULES WILL FUNCTION

Section 32.1 defines terms used within the chapter. The amendments add definitions for "Commissioner," "Contested case," and "Final order." The amendments clarify the definitions of "Executive director" and "Party," and replace "Hearing officer" with "Administrative Law Judge."

Section 32.2 outlines procedures for appeals of a monetary penalty for a violation. The amendments clarify the process by which an individual may appeal an administrative penalty and clarify the steps the commission must take if a notice of violation does not receive a timely response. The amendments bring the section requirements into alignment with the statutory requirements of the Texas Agriculture Code, §161.148.

Section 32.3 outlines procedures for appeals of other orders and decisions. The new section clarifies the process by which an individual may appeal orders and decisions of the commission that do not involve administrative penalties. The amendments direct readers to other locations within the rules that provide specific appeal provisions.

Section 32.4 specifies hearing procedures. The new section provides guidance to parties and administrative law judges about how contested case hearings referred to the State Office of Administrative Hearings (SOAH) must be conducted. The amendments outline the procedures required by the Texas Agriculture Code, the Administrative Procedure Act, and the rules of SOAH.

Section 32.5 outlines procedures for the disposition of contested cases. The amendments clarify already existing procedures following the conclusion of a contested case hearing. The amendments detail how the commission must adopt final orders in a contested case, disposition of a case by default, and a party's opportunity to file a motion for rehearing upon the rendition of a final order.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended October 1, 2023.

During this period, the commission did not receive any comments regarding the proposed rules.

STATUTORY AUTHORITY

The amendments and additions are authorized by Texas Government Code, §2001.004(1), which requires all administrative agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

Pursuant to §161.038 of the Texas Agriculture Code, titled "Administrative Procedure Act Applicable," the commission is subject to the administrative procedure law set forth in Chapter 2001 of the Texas Government Code.

Pursuant to §161.046 of the Texas Agriculture Code, titled "Rules," the commission may adopt rules as necessary for the administration of enforcement of this chapter.

Pursuant to §161.148 of the Texas Agriculture Code, titled "Administrative Penalty," the commission may impose an administrative penalty on a person who violates a statute, rule, or order of the commission. Section 161.148 outlines the procedure for appeal from such notice of violation.

The rules in this chapter for adoption do not affect other statutes, articles, or codes.

§32.3. *Appeal of Other Orders and Decisions.*

(a) For appeals of orders and decisions of the executive director concerning brucellosis see §35.2(l) and §35.2(p) of this title.

(b) For appeals of orders and decisions of the executive director concerning CWD Herd Certification Program see §40.3(h) of this title.

(c) For appeals of orders and decisions of the executive director concerning fever ticks see §41.8(3) and §41.11 of this title.

(d) For appeals of orders and decisions of the executive director concerning tuberculosis see §43.2(k) of this title.

(e) For appeals of orders and decisions of the executive director concerning authorized personnel see §47.7 of this title.

(f) For appeals of orders and decisions of the executive director concerning piropilosis see §49.6(g) of this title.

(g) For appeals of executive declarations of high risk disease movement restriction zones see §59.11(g) of this title.

(h) For appeals of all other orders and decisions of the executive director not enumerated above, the following procedure applies:

(1) A person receiving a written order or decision from the commission or executive director must file a notice of appeal no later than 15 days from receipt of the decision. The notice of appeal must be filed in writing with the executive director at the commission's office in Austin. The notice of appeal must attach copy of the order or decision being appealed and specifically state the issues for consideration on appeal.

(2) If a timely request is made, the commission shall determine if a contested hearing is authorized under the relevant statutory provisions and rules. If so, the commission shall refer the matter to SOAH for a hearing.

(3) After the conclusion of the hearing, the ALJ shall make findings of fact and conclusions of law and promptly issue to the commission a proposal for a decision about the issues appealed in accordance with §2001.062 of Texas Government Code and SOAH rules.

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 January 26, 2024.

TRD-202400304
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Effective date: February 15, 2024
Proposal publication date: September 1, 2023
For further information, please call: (512) 839-0511



4 TAC §32.6

The Texas Animal Health Commission (commission) in a duly noticed meeting on January 23, 2024, repealed the existing §32.6, concerning Transcript of the Hearing in the Texas Administrative Code, Title 4, Part 2, Chapter 32. This repeal is in conjunction with the adoption of amendments and additions to Chapter 32, concerning Hearing and Appeal Procedures. The proposed repeal was published simultaneously in the September 1, 2023, issue of the *Texas Register* (48 TexReg 4724) and will not be republished.

JUSTIFICATION FOR RULE ACTION

The commission repeals §32.6, concerning Transcript of the Hearing, because the contents of the rule have been moved to the newly adopted §32.4, Hearing Procedures. This change provides clearer guidance on the existing appeal process and to better align the appeal requirements with the statutory

requirements set forth in the Texas Agriculture Code and the Administrative Procedure Act.

HOW THE RULES WILL FUNCTION

The repeal eliminates the existing §32.6, the contents of which have been moved to §32.4, Hearing Procedures, in a concurrent submission.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended October 1, 2023.

During this period, the commission did not receive any comments regarding the proposed rules.

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code, §2001.004(1), which requires all administrative agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

Pursuant to §161.038 of the Texas Agriculture Code, titled "Administrative Procedure Act Applicable," the commission is subject to the administrative procedure law set forth in Chapter 2001 of the Texas Government Code.

Pursuant to §161.046 of the Texas Agriculture Code, titled "Rules," the commission may adopt rules as necessary for the administration of enforcement of this chapter.

Pursuant to §161.148 of the Texas Agriculture Code, titled "Administrative Penalty," the commission may impose an administrative penalty on a person who violates a statute, rule, or order of the commission. Section 161.148 outlines the procedure for appeal from such notice of violation.

The repealed rules in this chapter do not affect other statutes, articles, or codes.

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 January 26, 2024.

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CHAPTER 40. CHRONIC WASTING DISEASE

4 TAC §40.6

(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 figures in 4 TAC §40.6 are not included in the print version of the Texas Register. The figures are available in the on-line version of the February 9, 2024, issue of the Texas Register.)

The Texas Animal Health Commission (commission) in a duly noticed meeting on January 23, 2024, adopted amendments to

§40.6, concerning CWD Movement Restriction Zones. Section 40.6 is adopted with non-substantive changes to the proposed text as published in the September 22, 2023, issue of the *Texas Register* (48 TexReg 5211) and will be republished. Specifically, changes were made to §40.6(a) to correct a TAC formatting requirement and changes were made to §40.6(b)(2)(C) to correct a grammatical error.

JUSTIFICATION FOR RULE ACTION

The commission adopts amendments to §40.6 to establish new containment zone (CZ) 7 and CZ 8, and modifies existing CZ 2, CZ 5, and CZ 6. The amendments create new surveillance zone (SZ) 9 through SZ 21, and modifies existing SZ 2, SZ 3, SZ 5, SZ 7, and SZ 8. These changes either implement or improve surveillance efforts as part of the agency's effort to manage chronic wasting disease (CWD).

CWD is a degenerative and fatal neurological communicable disease recognized by the veterinary profession that affects susceptible cervid species. CWD can spread through natural movements of infected animals and transportation of live infected animals or carcass parts. The disease can be passed through contaminated environmental conditions and may persist for a long period of time. Currently, no vaccine or treatment for CWD exists.

Expansion and creation of these containment zones follows detection of CWD. Each amended zone aligns with zones developed in consultation with the Texas Parks and Wildlife Department. The purpose of the restriction zones is to both increase surveillance and reduce the risk of CWD being spread from areas where it may exist.

HOW THE RULES WILL FUNCTION

The amendment to §40.6(b)(1)(B) modifies current Containment Zone (CZ) 2 to align with the modified zones developed in consultation with the Texas Parks and Wildlife Department.

The amendment to §40.6(b)(1)(C) does not amend the geographical area of CZ 3, but amends the format of the geographic coordinates used in the rule. Specifically, the coordinates are modified to change each coordinate to have eight decimal places rather than eleven decimal places. There is no decline in precision of these revised coordinates, as the revision still provides precision to the millimeter. These amendments help align the coordinates with standards used in geographical information systems.

The amendment to §40.6(b)(1)(E) and §40.6(b)(1)(F) changes CZ 5 and CZ 6 to align with the modified zones developed in consultation with the Texas Parks and Wildlife Department.

The amendment to §40.6(b)(1)(G) creates a new Containment Zone 7 in Hunt and Kaufman Counties in response to the detection of CWD in a deer breeder release site in those counties.

The amendment to §40.6(b)(1)(H) adds a new Containment Zone 8 in Bexar County in response to the detection of CWD in a free-range wild white-tailed deer in that county.

The amendment to §40.6(b)(2)(B) modifies current Surveillance Zone (SZ) 2 to align with the modified zones developed in consultation with the Texas Parks and Wildlife Department.

The amendment to §40.6(b)(2)(C) reduces the size of current SZ 3 to align with the modified zones developed in consultation with the Texas Parks and Wildlife Department.

The amendment to §40.6(b)(2)(E) increases the size of current SZ 5 to align with the modified zones developed in consultation with the Texas Parks and Wildlife Department.

The amendment to §40.6(b)(2)(F) updates the attached graphic.

The amendment to §40.6(b)(2)(G) reduces the current SZ 7 in order to add a new CZ within that area through amendments to §40.6(b)(1)(G).

The amendment to §40.6(b)(2)(H) reduces the size of current SZ 8 to align with the modified zones developed in consultation with the Texas Parks and Wildlife Department.

The amendment to §40.6(b)(2)(I) adds a new SZ 9 in Gillespie County in response to the detection of CWD in a deer breeding facility in that county.

The amendment to §40.6(b)(2)(J) adds a new SZ 10 in Limestone County in response to the detection of CWD in a deer breeding facility in that county.

The amendment to §40.6(b)(2)(K) and §40.6(b)(2)(L) adds a new SZ 11 and 12 in Uvalde County to align with the modified zones developed in consultation with the Texas Parks and Wildlife Department as part of the amendment to reduce the area covered by SZ 3 in §40.6(b)(2)(C).

The amendment to §40.6(b)(2)(M) adds a new SZ 13 in Zavala County in response to the detection of CWD in a deer breeding facility in that county.

The amendment to §40.6(b)(2)(N) adds a new SZ 14 in Gonzales County in response to the detection of CWD in a deer breeding facility in that county.

The amendment to §40.6(b)(2)(O) adds a new SZ 15 in Hamilton and Mills Counties in response to the detection of CWD in a deer breeding facility in Hamilton County.

The amendment to §40.6(b)(2)(P) adds a new SZ 16 in Washington County in response to the detection of CWD in a deer breeding facility in that county.

The amendment to §40.6(b)(2)(Q) adds a new SZ 17 in Uvalde, Medina, Zavala, and Frio Counties in response to the detection of CWD in a deer breeding facility in Frio County.

The amendment to §40.6(b)(2)(R) adds a new SZ 18 in Bexar County in response to the detection of one case of CWD in a free-range white-tailed deer in that county.

The amendment to §40.6(b)(2)(S) adds a new SZ 19 in Sutton County in response to the detection of CWD in a deer breeding facility in that county.

The amendment to §40.6(b)(2)(T) adds a new SZ 20 in Zavala County in response to the detection of CWD in a deer breeding facility in that county.

The amendment to §40.6(b)(2)(U) adds a new SZ 21 in Frio County in response to the detection of CWD in a deer breeding facility in that county.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended October 23, 2023.

During this period, the commission received comments from four individuals. A summary of comments relating to the rules and commission's responses follows.

Comment: Three individual commenters were critical of commission rules that impose movement restriction zones. The commenters believed that the imposition of movement restrictions does not address transmission of CWD or the environmental presence of CWD.

Response: The commission thanks the commenters for the feedback. The commission declines to further amend the rule as requested by the commenters. No changes were made as a result of these comments.

Comment: An individual commenter suggested the commission manage CWD similar to how the commission manages scrapie. In the alternative, the commenter suggested the commission designate domestic sheep as a susceptible species and require testing.

Response: The commission thanks the commenter for the feedback. No changes were made as a result of these comments.

STATUTORY AUTHORITY

The amendments to §40.6 within Chapter 40 of the Texas Administrative Code are proposed under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code.

The commission is vested by statute, §161.041(a), titled "Disease Control," to protect all livestock, exotic livestock, domestic fowl, and exotic fowl from disease. The commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock, exotic livestock, domestic fowl, or exotic fowl, even if the agent of transmission is an animal species that is not subject to the jurisdiction of the commission.

Pursuant to §161.0415, titled "Disposal of Diseased or Exposed Livestock or Fowl," the commission may require by order the slaughter of livestock, domestic fowl, or exotic fowl exposed to or infected with certain diseases.

Pursuant to §161.0417, titled "Authorized Personnel for Disease Control," the commission must authorize a person, including a veterinarian, to engage in an activity that is part of a state or federal disease control or eradication program for animals.

Pursuant to §161.046, titled "Rules," the commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.047, titled "Entry Power," commission personnel are permitted to enter public or private property for the performance of an authorized duty.

Pursuant to §161.048, titled "Inspection of Shipment of Animals or Animal Product," the commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. An agent of the commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or non-communicable disease.

Pursuant to §161.049, titled "Dealer Records," the commission may require a livestock, exotic livestock, domestic fowl, or exotic fowl dealer to maintain records of all livestock, exotic livestock, domestic fowl, or exotic fowl bought and sold by the dealer. The commission may also inspect and copy the records of a livestock, exotic livestock, domestic fowl, or exotic fowl dealer that

relate to the buying and selling of those animals. The commission, by rule, shall adopt the form and content of the records maintained by a dealer.

Pursuant to §161.054, titled "Regulation of Movement of Animals; Exception," the commission, by rule, may regulate the movement of animals. The commission may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. The commission is authorized, through §161.054(b), to prohibit or regulate the movement of animals into a quarantined herd, premises, or area. The executive director of the commission is authorized, through §161.054(d), to modify a restriction on animal movement, and may consider economic hardship.

Pursuant to §161.0541, titled "Elk Disease Surveillance Program," the commission, by rule, may establish a disease surveillance program for elk. Such rules include the requirement for persons moving elk in interstate commerce to test the elk for chronic wasting disease. Additionally, provisions must include testing, identification, transportation, and inspection under the disease surveillance program.

Pursuant to §161.0545, titled "Movement of Animal Products," the commission may adopt rules that require the certification of persons who transport or dispose of inedible animal products, including carcasses, body parts, and waste material. The commission, by rule, may provide terms and conditions for the issuance, renewal, and revocation of a certification under this section.

Pursuant to §161.056(a), titled "Animal Identification Program," the commission may develop and implement an animal identification program that is no more stringent than a federal animal disease traceability or other federal animal identification program to provide for disease control and enhance the ability to trace disease-infected animals or animals that have been exposed to disease. Section 161.056(d) authorizes the commission to adopt rules to provide for an animal identification program more stringent than a federal program only for control of a specific animal disease or for animal emergency management.

Pursuant to §161.057, titled "Classification of Areas," the commission may prescribe criteria for classifying areas in the state for disease control based on sound epidemiological principals and may prescribe control measures for classification areas.

Pursuant to §161.058, titled "Compensation of Livestock or Fowl Owner," the commission may pay indemnity to the owner of livestock or fowl if necessary to eradicate the disease.

Pursuant to §161.060, titled "Authority to Set and Collect Fees," the commission may charge a fee for an inspection made by the commission as provided by commission rule.

Pursuant to §161.061, titled "Establishment," if the commission determines that a disease listed in §161.041 of this code or an agent of transmission of one of those diseases exists in a place in this state or among livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl, or a place in this state or livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl are exposed to one of those diseases or any agent of transmission of one of those diseases, the commission shall establish a quarantine on the affected animals or on the affected place. The quarantine of an affected place may extend to any affected area, including a county, district, pasture, lot, ranch, farm, field, range, thoroughfare, building, stable, or stockyard pen. The commis-

sion may, through §161.061(c), establish a quarantine to prohibit or regulate the movement of any article or animal the commission designates to be a carrier of a disease listed in Section 161.041 or a potential carrier of one of those diseases, if movement is not otherwise regulated or prohibited for an animal into an affected area, including a county district, pasture, lot, ranch, field, range, thoroughfare, building, stable, or stockyard pen.

Pursuant to §161.0615, titled "Statewide or Widespread Quarantine," the commission may quarantine livestock, exotic livestock, domestic fowl, or exotic fowl in all or any part of this state as a means of immediately restricting the movement of animals potentially infected with disease and shall clearly describe the territory included in a quarantine area.

Pursuant to §161.065, titled "Movement from Quarantined Area; Movement of Quarantined Animals," the commission may provide a written certificate or written permit authorizing the movement of animals from quarantined places. If the commission finds animals have been moved in violation of an established quarantine or in violation of any other livestock sanitary law, the commission shall quarantine the animals until they have been properly treated, vaccinated, tested, dipped, or disposed of in accordance with the rules of the commission.

Pursuant to §161.081, titled "Importation of Animals," the commission may regulate the movement of livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl into this state from another state, territory, or country. The commission, by rule, may provide the method for inspecting and testing animals before and after entry into this state, and for the issuance and form of health certificates and entry permits.

Pursuant to §161.101, titled "Duty to Report," a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal shall report the existence of the disease, if required by the commission, among livestock, exotic livestock, bison, domestic fowl, or exotic fowl to the commission within 24 hours after diagnosis of the disease.

Pursuant to §161.148, titled "Administrative Penalty," the commission may impose an administrative penalty on a person who violates Chapter 161 or a rule or order adopted under Chapter 161. The penalty for a violation may be in an amount not to exceed \$5,000.

The proposed rules in this chapter for adoption do not affect other statutes, sections, or codes.

§40.6. CWD Movement Restriction Zones.

(a) Definitions. In addition to the definitions in §40.1 (relating to Definitions) of this chapter, the following words and terms, when used in this section, shall have the following meanings:

(1) Check Station--TPWD-established mandatory check stations in any CZ or SZ or any portion of a CZ or SZ for the purpose of collecting biological information on CWD susceptible species taken within a CZ or SZ.

(2) CWD Containment Zone (CZ)--A geographic area in this state which CWD has been detected or the commission has determined, using the best available science, a high risk of CWD exists or may exist.

(3) CWD Surveillance Zone (SZ)--A geographic area in the state which the commission, using the best available science, has determined or where there is a risk of CWD existing and surveillance is necessary.

(4) Exotic CWD Susceptible Species--A non-native cervid species determined to be susceptible to CWD, which means a species that has had a diagnosis of CWD confirmed by an official test conducted by an approved laboratory. This includes but is not limited to North American elk or wapiti (*Cervus canadensis*), red deer (*Cervus elaphus*), sika deer (*Cervus nippon*), moose (*Alces alces*), reindeer and caribou (*Rangifer tarandus*), muntjac (*Muntiacus*), and any associated subspecies and hybrids. All mule deer, white-tailed deer, and other native species under the jurisdiction of the Texas Parks and Wildlife Department are excluded from this definition and application of this section.

(5) Final processing--The cleaning and processing by more than quarters of CWD susceptible species for cooking or storage purposes.

(6) High fence premises--A premises enclosed on all sides by a fence adequate to prevent the ingress and egress of all exotic CWD susceptible species.

(7) Processing facility--A stationary facility designed and constructed to store or process CWD susceptible species.

(8) TPWD--The Texas Parks and Wildlife Department.

(b) Declaration of area restricted for CWD. CWD has been detected in susceptible species in different locations in Texas. This creates a high risk for CWD exposure or infection in CWD susceptible species in those geographic areas. In order to protect other areas of the state from the risk of exposure and spread of CWD, restricted areas, such as containment zones and surveillance zones, are created to protect against the spread of and exposure to CWD and have necessary surveillance to epidemiologically assess the risk. The high-risk areas are delineated as follows:

(1) Containment Zone Boundaries:

(A) Containment Zone 1. That portion of the state within the boundaries of a line beginning in Culberson County where U.S. Highway (U.S.) 62-180 enters from the State of New Mexico; thence southwest along U.S. 62-180 to Farm-to-Market Road (F.M.) 1111 in Hudspeth County; thence south on F.M. 1111 to I.H. 10 thence west along I.H. 10 to S.H. 20; thence northwest along S.H. 20 to F.M. 1088; thence south along F.M. 1088 to the Rio Grande River; thence northwest along the Rio Grande River to the Texas-New Mexico border.

Figure: 4 TAC §40.6(b)(1)(A) (No change.)

(B) Containment Zone 2. That portion of the state within the boundaries of a line beginning where I.H. 40 enters from the State of New Mexico in Deaf Smith County; thence east along I.H. 40 to U.S. 385 in Oldham County; thence north along U.S. 385 to Hartley in Hartley County; thence east along U.S. 87 to County Rd. 47; thence north along C.R. 47 to F.M. 281; thence west along F.M. 281 to U.S. 385; thence north along U.S. 385 to the Oklahoma state line.

Figure: 4 TAC §40.6(b)(1)(B)

(C) Containment Zone 3. Those portions of Bandera County, Medina County, and Uvalde County lying within the area described by the following latitude-longitude coordinate pairs: -99.37150859, 29.63847446; -99.37149089, 29.63846663; -99.37140892, 29.63848554; -99.37060541, 29.63866345; -99.36979992, 29.63883436; -99.36899251, 29.63899824; -99.36818327, 29.63915509; -99.36737228, 29.63930489; -99.36655962, 29.63944762; -99.36574537, 29.63958327; -99.36492962, 29.63971183; -99.36411244, 29.63983328; -99.36329391, 29.63994760; -99.36247412, 29.64005480; -99.36165314, 29.64015486; -99.36083106, 29.64024776; -99.36000797, 29.64033351; -99.35918393, 29.64041208;

-99.35835904,	29.64048348;	-99.35753338,	29.64054769;	-99.25417442,	29.55225891;	-99.25416546,	29.55163282;
-99.35670702,	29.64060471;	-99.35588005,	29.64065454;	-99.25416367,	29.55100667;	-99.25416904,	29.55038054;
-99.35505256,	29.64069716;	-99.35422462,	29.64073258;	-99.25418158,	29.54975449;	-99.25420129,	29.54912857;
-99.35339632,	29.64076079;	-99.35256773,	29.64078179;	-99.25422816,	29.54850285;	-99.25426219,	29.54787738;
-99.35173895,	29.64079558;	-99.35091005,	29.64080215;	-99.25430338,	29.54725224;	-99.25435172,	29.54662749;
-99.35008112,	29.64080150;	-99.34925224,	29.64079364;	-99.25440721,	29.54600317;	-99.25446985,	29.54537937;
-99.34842348,	29.64077856;	-99.34759495,	29.64075627;	-99.25453962,	29.54475614;	-99.25461652,	29.54413354;
-99.34676670,	29.64072677;	-99.34593884,	29.64069006;	-99.25470054,	29.54351163;	-99.25479168,	29.54289047;
-99.34511143,	29.64064614;	-99.34428457,	29.64059503;	-99.25488992,	29.54227014;	-99.25499525,	29.54165068;
-99.34345833,	29.64053672;	-99.34263279,	29.64047122;	-99.25510767,	29.54103216;	-99.25522717,	29.54041464;
-99.34180805,	29.64039854;	-99.34098418,	29.64031868;	-99.25535372,	29.53979818;	-99.25548733,	29.53918285;
-99.34016126,	29.64023165;	-99.33933937,	29.64013747;	-99.25562797,	29.53856870;	-99.25577563,	29.53795579;
-99.33851860,	29.64003613;	-99.33769903,	29.63992766;	-99.25593030,	29.53734419;	-99.25609196,	29.53673396;
-99.33688074,	29.63981205;	-99.33606381,	29.63968933;	-99.25626060,	29.53612516;	-99.25643620,	29.53551784;
-99.33524831,	29.63955950;	-99.33443435,	29.63942258;	-99.25661874,	29.53491207;	-99.25680820,	29.53430791;
-99.33362198,	29.63927859;	-99.33281130,	29.63912752;	-99.25700457,	29.53370541;	-99.25720782,	29.53310465;
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-99.47035266,	29.62965306;	-99.46970163,	29.63010122;	Figure: 4 TAC §40.6(b)(1)(C)			
-99.46904552,	29.63054369;	-99.46838440,	29.63098043;	(D) Containment Zone 4. That portion of the state lying within the boundaries of a line beginning in Val Verde County at the International Bridge and proceeding northeast along Spur 239 to U.S. 90; thence north along U.S. 90 to the intersection of U.S. 277/377, thence north along U.S. 277/377 to the U.S. 277/377 bridge at Lake Amistad (29.496183°, -100.913355°), thence west along the southern shoreline of Lake Amistad to International Boundary at Lake Amistad dam, thence south along the Rio Grande River to the International Bridge on Spur 239.			
-99.46771832,	29.63141139;	-99.46704736,	29.63183654;	Figure: 4 TAC §40.6(b)(1)(D) (No change.)			
-99.46637158,	29.63225582;	-99.46569105,	29.63266920;	(E) Containment Zone 5. That portion of the state within the boundaries of a line beginning in Lubbock County where County Road (C.R.) 3600 intersects with E. Division Street in Slaton; thence west along E. Division Street to S. New Mexico Street; thence northwest along S. New Mexico Street to Railroad Avenue; thence northwest along Railroad Avenue to Industrial Drive; thence northwest along Industrial Drive to U.S. Highway (U.S.) 84; thence northwest along U.S. 84 to State Highway (S.H.) Spur 331; thence northwest along S.H. 331 to S.H. Loop 289; thence north along S.H. Loop 289 to Farm to Market (F.M.) 40; thence east along F.M. 40 to C.R. 3650; thence south along C.R. 3650 to C.R. 6840; thence east along C.R. 6840 to C.R. 3700; thence south along C.R. 3700 to C.R. 3600; thence south along C.R. 3600 to E. Division Street.			
-99.46500583,	29.63307663;	-99.46431600,	29.63347808;	Figure: 4 TAC §40.6(b)(1)(E)			
-99.46362163,	29.63387351;	-99.46292277,	29.63426287;	(F) Containment Zone 6. That portion of Kimble County lying within the area described by the following latitude-longitude coordinate pairs: -99.64149621, 30.33874132; -99.64368510, 30.33881528; -99.64586373, 30.33901322; -99.64802279, 30.33933429; -99.65015303, 30.33977712; -99.65224534, 30.34033981; -99.65429078, 30.34101997; -99.65628058, 30.34181467; -99.65820623, 30.34272051; -99.66005949, 30.34373363; -99.66183243, 30.34484969; -99.66351745, 30.34606390; -99.66510735, 30.34737108; -99.66659532, 30.34876563; -99.66797498, 30.35024158; -99.66924042, 30.35179262; -99.67038623, 30.35341211; -99.67046478, 30.35354140; -99.67147782, 30.35460589; -99.67153231, 30.35466602; -99.67188955, 30.35506746; -99.67307523, 30.35651392; -99.67312411, 30.35657758; -99.67320400, 30.35668212; -99.67419784, 30.35767241; -99.67454917, 30.35859626; -99.67490549, 30.35911757; -99.67503636, 30.35931075; -99.67551616, 30.36002521; -99.67559375, 30.36014136; -99.67626717, 30.36115489; -99.67635112, 30.36128197; -99.67635732, 30.36129141; -99.67702442, 30.36230809; -99.67772804, 30.36343779; -99.67786171, 30.36366423; -99.67809406, 30.36406547; -99.67822368, 30.36429368; -99.67830298, 30.36443424; -99.67837167, 30.36455844; -99.67856992, 30.36489830; -99.67891471, 30.36548187; -99.67926295, 30.36606391; -99.67965467, 30.36671045; -99.67976457, 30.36689341; -99.68033394, 30.36784959; -99.68069940, 30.36848209; -99.68110363, 30.36923041; -99.68115289, 30.36932508; -99.68164128, 30.37031202; -99.68186455, 30.37079984; -99.68190773, 30.37089671; -99.68244431, 30.37219105; -99.68252473, 30.37240319; -99.68256169, 30.37250197; -99.68292311, 30.37353271; -99.68339520, 30.37497459; -99.68340763, 30.37501266; -99.68385461, 30.37638495; -99.68388655, 30.37648116; -99.68392077, 30.37656326; -99.68419882, 30.37725785; -99.68482272, 30.37907928; -99.68530791,			

30.38093218;	-99.68565230,	30.38280863;	-99.68585441,	32.88765823;	-96.19493248,	32.88765507;	-96.19268278,
30.38470059;	-99.68591337,	30.38659996;	-99.68582891,	32.88752746;	-96.19044781,	32.88727594;	-96.18823713,
30.3884986;	-99.68560139,	30.39038839;	-99.68523178,	32.88690159;	-96.18606022,	32.88640601;	-96.18392642,
30.39226124;	-99.68472164,	30.39410911;	-99.68407316,	32.88579133;	-96.18184487,	32.88506018;	-96.17982448,
30.39592411;	-99.68328911,	30.39769844;	-99.68237283,	32.88421569;	-96.17787392,	32.88326149;	-96.17600154,
30.39942452;	-99.68132825,	30.40109495;	-99.68015984,	32.88220167;	-96.17421536,	32.88104075;	-96.17252304,
30.40270257;	-99.67887259,	30.40424049;	-99.67747201,	32.87978373;	-96.17216881,	32.87949870;	-96.16088265,
30.40570213;	-99.67596409,	30.40708123;	-99.67435531,	32.87028577;	-96.15964591,	32.86922294;	-96.15816292,
30.40837186;	-99.67265254,	30.40956851;	-99.67086308,	32.86779011;	-96.15679420,	32.86627848;	-96.15554560,
30.41066605;	-99.66920923,	30.41155293;	-99.66558969,	32.86469452;	-96.15442246,	32.86304502;	-96.15342960,
30.41337003;	-99.66497058,	30.41391929;	-99.66336154,	32.86133706;	-96.15257125,	32.85957793;	-96.15185109,
30.41520979;	-99.66165851,	30.41640630;	-99.65986880,	32.85777519;	-96.15127220,	32.85593654;	-96.15083704,
30.41750368;	-99.65800006,	30.41849724;	-99.65606032,	32.85406988;	-96.15054746,	32.85218318;	-96.15040471,
30.41938272;	-99.65405787,	30.42015632;	-99.65200130,	32.85028454;	-96.15040938,	32.84838208;	-96.15056145,
30.42081472;	-99.64989942,	30.42135512;	-99.64776124,	32.84648394;	-96.15086024,	32.84459827;	-96.15130449,
30.42177518;	-99.64559592,	30.42207312;	-99.64341274,	32.84273312;	-96.15189227,	32.84089649;	-96.15239458,
30.42224764;	-99.64149517,	30.42229852;	-99.63885349,	32.83965568;	-96.15262106,	32.83909624;	-96.15348773,
30.42230298;	-99.63719834,	30.42230575;	-99.62890505,	32.83734007;	-96.15448856,	32.83563550;	-96.15561927,
30.42231931;	-99.62857293,	30.42231984;	-99.62857258,	32.83398984;	-96.15687501,	32.83241012;	-96.15825039,
30.42231984;	-99.62853563,	30.42231990;	-99.62853525,	32.83090310;	-96.15874685,	32.83040588;	-96.16087124,
30.42231990;	-99.62470337,	30.42232597;	-99.62442926,	32.82832582;	-96.16291634,	32.82631939;	-96.16334363,
30.42232543;	-99.62223849,	30.42225114;	-99.62005802,	32.82588076;	-96.16336282,	32.82586108;	-96.16485180,
30.42205280;	-99.61789721,	30.42173126;	-99.61576530,	32.82443315;	-96.16644815,	32.82309048;	-96.16814505,
30.42128789;	-99.61367144,	30.42072460;	-99.61162461,	32.82183883;	-96.16993522,	32.82068353;	-96.17078717,
30.42004380;	-99.60963356,	30.41924840;	-99.60770684,	32.82020484;	-96.17022932,	32.81879732;	-96.16964582,
30.41834182;	-99.60585269,	30.41732794;	-99.60407907,	32.81695871;	-96.16921047,	32.81509206;	-96.16892065,
30.41621111;	-99.60239357,	30.41499612;	-99.60080340,	32.81320535;	-96.16877758,	32.81130668;	-96.16878187,
30.41368816;	-99.59931539,	30.41229284;	-99.59793589,	32.80940417;	-96.16893350,	32.80750596;	-96.16923180,
30.41081615;	-99.59667082,	30.40926440;	-99.59552559,	32.80562020;	-96.16967550,	32.80375494;	-96.17026267,
30.40764425;	-99.59450509,	30.40596265;	-99.59361371,	32.80191818;	-96.17099080,	32.80011778;	-96.17185676,
30.40422678;	-99.59285523,	30.40244409;	-99.59223292,	32.79836144;	-96.17285685,	32.79665670;	-96.17398676,
30.40062221;	-99.59174942,	30.39876896;	-99.59140680,	32.79501083;	-96.17524167,	32.79343089;	-96.17661618,
30.39689226;	-99.59120652,	30.39500015;	-99.59114919,	32.79192364;	-96.17810442,	32.79049554;	-96.17935193,
30.39313280;	-99.59115376,	30.39242220;	-99.59118381,	32.78943091;	-96.18603824,	32.78401084;	-96.18638627,
30.38774222;	-99.59119754,	30.38560486;	-99.59124320,	32.78373260;	-96.18808219,	32.78248065;	-96.18987136,
30.37849283;	-99.59124343,	30.37846076;	-99.59132974,	32.78132505;	-96.19174612,	32.78027075;	-96.19369846,
30.37656218;	-99.59155907,	30.37467255;	-99.59193044,	32.77932226;	-96.19572002,	32.77848364;	-96.19780214,
30.37279998;	-99.59244224,	30.37095248;	-99.59309227,	32.77775847;	-96.19993592,	32.77714986;	-96.20211222,
30.36913795;	-99.59387775,	30.36736417;	-99.59479530,	32.77666041;	-96.20432174,	32.77629221;	-96.20655502,
30.36563872;	-99.59584100,	30.36396900;	-99.59701035,	32.77604685;	-96.20880251,	32.77592537;	-96.21105458,
30.36236215;	-99.59829835,	30.36082505;	-99.59969948,	32.77592829;	-96.21330162,	32.77605560;	-96.21553400,
30.35936428;	-99.60120773,	30.35798608;	-99.60281665,	32.77630675;	-96.21774217,	32.77668067;	-96.21991668,
30.35669637;	-99.60451936,	30.35550064;	-99.60540738,	32.77717576;	-96.22204824,	32.77778990;	-96.22412772,
30.35493734;	-99.60543809,	30.35491852;	-99.60546294,	32.77852046;	-96.22614622,	32.77936432;	-96.22809511,
30.35489406;	-99.60555613,	30.35480273;	-99.60706423,	32.78031787;	-96.22996604,	32.78137702;	-96.23175100,
30.35342446;	-99.60867300,	30.35213467;	-99.61037555,	32.78253725;	-96.23344236,	32.78379359;	-96.23476600,
30.35093887;	-99.61216459,	30.34984218;	-99.61331695,	32.78490205;	-96.24067863,	32.79012861;	-96.24094553,
30.34922964;	-99.61385007,	30.34880216;	-99.61555250,	32.79036721;	-96.24242856,	32.79179918;	-96.24379758,
30.34760629;	-99.61734142,	30.34650953;	-99.61808901,	32.79330999;	-96.24504672,	32.79489318;	-96.24617063,
30.34609451;	-99.61915992,	30.34551721;	-99.62361034,	32.79654197;	-96.24716450,	32.79824931;	-96.24802406,
30.34311791;	-99.62473043,	30.34253993;	-99.62666892,	32.80000789;	-96.24874563,	32.80181017;	-96.24932611,
30.34165492;	-99.62866996,	30.34088175;	-99.63072498,	32.80364845;	-96.24976301,	32.80551485;	-96.25005444,
30.34022372;	-99.63282520,	30.33968364;	-99.63496163,	32.80740138;	-96.25019915,	32.80929997;	-96.25019711,
30.33926383;	-99.63712512,	30.33896608;	-99.63930642,	32.81077494;	-96.25033341,	32.81086348;	-96.25202554,
30.33879166;	-99.64149621,	30.33874132		32.81211955;	-96.25361680,	32.81346637;	-96.25434916,
				32.81414956;	-96.25658430,	32.81630215;	-96.25733556,
				32.81705074;	-96.25870519,	32.81856138;	-96.25995492,
				32.82014440;	-96.26107940,	32.82179304;	-96.26207381,
				32.82350023;	-96.26293389,	32.82525868;	-96.26365594,
				32.82706085;	-96.26423687,	32.82889904;	-96.26467418,
				32.83076536;	-96.26496599,	32.83265182;	-96.26511104,
				32.83455037;	-96.26510871,	32.83645285;	-96.26495899,
				32.83835113;	-96.26466252,	32.84023707;	-96.26444577,
				32.84115198;	-96.26422055,	32.84210260;	-96.26363497,

Figure: 4 TAC §40.6(b)(1)(F)

(G) Containment Zone 7. Those portions of Hunt County and Kaufman County lying within the area described by the following latitude-longitude coordinate pairs:

32.88628524;	-96.20878832,	32.88691497;	-96.20833517,
32.88696470;	-96.20608501,	32.88708617;	-96.20383025,
32.88708316;	-96.20319512,	32.88705982;	-96.20316015,
32.88705826;	-96.20312586,	32.88706427;	-96.20167339,
32.88729166;	-96.19943744,	32.88753692;	-96.19718725,

29.61040682; -98.47218836, 29.60998997; -98.46848013, 29.60913209; -98.47061907, 29.60193601; and -98.47599804, 29.58358740

Figure: 4 TAC §40.6(b)(1)(H)

(2) Surveillance Zone Boundaries:

(A) Surveillance Zone 1. That portion of the state within the boundaries of a line beginning where U.S. 285 enters from the State of New Mexico in Reeves County; thence southeast along U.S. 285 to R.M. 652; thence west along R.M. 652 to Rustler Springs Rd./FM 3541 in Culberson County; thence south along Rustler Springs Rd./F.M. 3541 to F.M. 2185; thence south along F.M. 2185 to Nevel Road; thence west along Nevel Road to County Road 501; thence south along County Road 501 to Weatherby Road; thence south along Weatherby Road to F.M. 2185; thence southwest along F.M. 2185 to S.H. 54; thence south on S.H. 54 to U.S. 90; thence south along U.S. 90 to the Culberson County line; thence southwest along the Culberson County line to the Rio Grande River in Hudspeth County; thence north along the Rio Grande River to F.M. 1088; thence northeast along F.M. 1088 to S.H. 20; thence southeast along S.H. 20 to I.H. 10; thence southeast along I.H. 10 to F.M. 1111; thence north on F.M. 1111 to U.S. 62/180; thence east and north along U.S. 62/180 to the New Mexico state line in Culberson County.

Figure: 4 TAC §40.6(b)(2)(A) (No change.)

(B) Surveillance Zone 2. That portion of the state lying within a line beginning at the New Mexico state line where U.S. 60 enters Texas; thence northeast along U.S. 60 to U.S. 87 in Randall County; thence south along U.S. 87 to S.H. 217 in Canyon; thence east along S.H. 217 to F.M. 1541; thence north along F.M. 1541 to Loop 335; thence east and north along Loop 335 to S.H. 136; thence northwest along S.H. 136 to N. Lakeside Dr.; thence north along N. Lakeside Dr. to E. Willow Creek Dr.; thence west along E. Willow Creek Dr. to Denton St.; thence north along Denton St. to E. Cherry; thence west along E. Cherry to N. Eastern St.; thence south along N. Eastern St. to E. Willow Creek Dr.; thence west along E. Willow Creek Dr. to U.S. 87; thence north along U.S. 87 to the City of Dumas; thence along the city limits of Dumas to U.S. 287 in Moore County; thence north along U.S. 287 to the Oklahoma state line.

Figure: 4 TAC §40.6(b)(2)(B)

(C) Surveillance Zone 3. That portion of the state not within the CZ described in §65.81(1)(C) of this title (relating to Containment Zones; Restrictions) lying within a line beginning at the intersection of F.M. 1250 and U.S. Highway 90 in Hondo in Medina County; thence west along U.S. Highway 90 to the Sabinal River in Uvalde County; thence north along the Sabinal River to F.M. 187; thence north along F.M. 187 to F.M. 470 in Bandera County; thence east along F.M. 470 to Tarpley in Bandera County; thence south along F.M. 462 to 18th Street in Hondo; thence east along 18th Street to State Highway 173; thence south along State Highway 173 to U.S. Highway 90; thence west along U.S. Highway 90 to Avenue E (F.M. 462); thence south along Avenue E (F.M. 462) to F.M. 1250; thence west along F.M. 1250 to U.S. Highway 90.

Figure: 4 TAC §40.6(b)(2)(C)

(D) Surveillance Zone 4. That portion of the state lying within a line beginning in Val Verde County at the confluence of Sycamore Creek and the Rio Grande River (29.242341°, -100.793906°); thence northeast along Sycamore Creek to U.S. 277; thence northwest on U.S. 277 to Loop 79; thence north along Loop 79 to the Union Pacific Railroad; thence east along the Union Pacific Railroad to Liberty Drive (north entrance to Laughlin Air Force Base); thence north along Liberty Drive to U.S. 90; thence west along U.S. 90 to Loop 79; thence north along Loop 79 to the American Electric Power (AEP) Ft. Lancaster-to-Hamilton Road 138kV transmission

line (29.415542°, -100.847993°); thence north along the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line to a point where the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line turns northwest (29.528552°, -100.871618°); thence northwest along the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line to the AEP Ft. Lancaster-to-Hamilton Road maintenance road (29.569259°, -100.984758°); thence along the AEP Ft. Lancaster-to-Hamilton Road maintenance road to Spur 406; thence northwest along Spur 406 to U.S. 90; thence south along U.S. 90 to Box Canyon Drive; thence west along Box Canyon Drive to Bluebonnet Drive; thence southwest along Bluebonnet Drive to Lake Drive; thence south along Lake Drive to Lake Amistad (29.513298°, -101.172454°), thence southeast along the International Boundary to the International Boundary at the Lake Amistad dam; thence southeast along the Rio Grande River to the confluence of Sycamore Creek (29.242341°, -100.793906°).

Figure: 4 TAC §40.6(b)(2)(D) (No change.)

(E) Surveillance Zone 5. That portion of the state lying within the boundaries of a line beginning on U.S. 83 at the Kerr/Kimble County line; thence north along U.S. 83 to I.H. 10; thence northwest along I.H. 10 to South State Loop 481; thence west along South State Loop 481 to the city limit of Junction in Kimble County; thence following the Junction city limit so as to circumscribe the city of Junction before intersecting with F.M. 2169; thence east along F.M. 2169 to County Road (C.R.) 410; thence east along C.R. 410 to C.R. 412; thence south along C.R. 412 to C.R. 470; thence east along C.R. 470 to C.R. 420; thence south along C.R. 420 to F.M. 479; thence east along F.M. 479 to C.R. 443; thence south along C.R. 443 to U.S. 290; thence west along U.S. 290 to I.H. 10; thence southeast along I.H. 10 to the Kerr/Kimble County line; thence west along the Kerr/Kimble County line to U.S. 83.

Figure: 4 TAC §40.6(b)(2)(E)

(F) Surveillance Zone 6. That portion of the state within the boundaries of a line beginning at the intersection of State Highway (S.H.) 207 and Farm to Market (F.M.) 211 in Garza County; thence west along F.M. 211 to U.S. Highway (U.S.) 87 in Lynn County; thence north along U.S. 87 to F.M. 41 in Lubbock County; thence west along FM 41 to F.M. 179; thence north along F.M. 179 to F.M. 2641; thence east along F.M. 2641 to U.S. 62/82; thence east along U.S. 62/82 to S.H. 207 in Crosby County; thence south along S.H. 207 to F.M. 211 in Garza County.

Figure: 4 TAC §40.6(b)(2)(F)

(G) Surveillance Zone 7. That portion of the state lying within the boundaries of a line beginning at the intersection of S.H. 205 and U.S. Hwy. 80 in Kaufman County; thence east along U.S. 80 to North 4th Street in Wills Point in Van Zandt County; thence north along North 4th Street to F.M. 751; thence north along F.M. 751 to the south shoreline of Lake Tawakoni in Hunt County; thence west and north along the Lake Tawakoni shoreline to the confluence of Caddo Creek; thence northwest along Caddo Creek to West Caddo Creek; thence northwest along West Caddo Creek to I.H. 30; thence southwest along I.H. 30 to F.M. 548 in Rockwall County; thence southeast along F.M. 548 to S.H. 205 in Kaufman County; thence southeast along S.H. 205 to U.S. Hwy. 80.

Figure: 4 TAC §40.6(b)(2)(G)

(H) Surveillance Zone 8. Those portions of Duval County and Jim Wells County lying within the area described by the following latitude-longitude coordinate pairs:

-98.27174932,	27.95642982;	-98.27388850,	27.95652171;	-98.27601634,
27.95673759;	-98.27812373,	27.95707655;	-98.28020167,	27.95753714;
-98.28224125,	27.95811738;	-98.28423375,	27.95881480;	-98.28617065,
27.95962640;	-98.28804366,	27.96054872;	-98.28984475,	27.96157780;
-98.29156623,				

27.96270926;	-98.29320071,	27.96393824;	-98.29424069,	30.40833615;	-99.21403106,	30.40924552;	-99.21588805,
27.96481102;	-98.30642859,	27.97549504;	-98.30692922,	30.41026231;	-99.21766438,	30.41138217;	-99.21935245,
27.97594346;	-98.30836947,	27.97735119;	-98.30970297,	30.41260030;	-99.22094503,	30.41391150;	-99.22243530,
27.97883952;	-98.31092400,	27.98040208;	-98.31202734,	30.41531015;	-99.22381687,	30.41679026;	-99.22474341,
27.98203218;	-98.31300826,	27.98372285;	-98.31386255,	30.41792590;	-99.22480835,	30.41796173;	-99.22658493,
27.98546684;	-98.31458655,	27.98725670;	-98.31517715,	30.41908146;	-99.22827325,	30.42029948;	-99.22986608,
27.98908476;	-98.31563181,	27.99094320;	-98.31594859,	30.42161056;	-99.23135659,	30.42300911;	-99.23273842,
27.99282405;	-98.31612611,	27.99471927;	-98.31616361,	30.42448913;	-99.23347804,	30.42537038;	-99.23426139,
27.99662074;	-98.31606092,	27.99852032;	-98.31581848,	30.42634143;	-99.23478899,	30.42701534;	-99.23593618,
28.00040988;	-98.31543730,	28.00228132;	-98.31491902,	30.42863897;	-99.23695842,	30.43032414;	-99.23785132,
28.00412662;	-98.31426585,	28.00593788;	-98.31348058,	30.43206364;	-99.23861105,	30.43385001;	-99.23923434,
28.00770735;	-98.31256657,	28.00942745;	-98.31152772,	30.43567561;	-99.23971853,	30.43753262;	-99.24006154,
28.01109080;	-98.31036848,	28.01269028;	-98.30909381,	30.43941310;	-99.24026188,	30.44130899;	-99.24031869,
28.01421904;	-98.30770916,	28.01567053;	-98.30652297,	30.44321217;	-99.24031523,	30.44347513;	-99.24022536,
28.01677477;	-98.29476414,	28.02715940;	-98.29446157,	30.44837009;	-99.24014184,	30.45000946;	-99.23991143,
28.02742312;	-98.29287489,	28.02870162;	-98.29119733,	30.45190279;	-99.23953858,	30.45377901;	-99.23902487,
28.02988528;	-98.28943607,	28.03096903;	-98.28759867,	30.45563008;	-99.23837249,	30.45744807;	-99.23758424,
28.03194821;	-98.28569300,	28.03281864;	-98.28372721,	30.45922521;	-99.23666347,	30.46095387;	-99.23561413,
28.03357658;	-98.28216193,	28.03408628;	-98.28212907,	30.46262666;	-99.23444070,	30.46423640;	-99.23314821,
28.03409614;	-98.28209993,	28.03411285;	-98.28209629,	30.46577620;	-99.23174219,	30.46723946;	-99.23202865,
28.03411493;	-98.28025876,	28.03509401;	-98.27835296,	30.46861991;	-99.22861409,	30.46991164;	-99.22690541,
28.03596433;	-98.27638706,	28.03672216;	-98.27436947,	30.47110911;	-99.22510992,	30.47220719;	-99.22323534,
28.03736425;	-98.27230886,	28.03788785;	-98.27021404,	30.47320118;	-99.22128967,	30.47408681;	-99.21928127,
28.03829072;	-98.26809400,	28.03857112;	-98.26595782,	30.47486029;	-99.21721873,	30.47551830;	-99.21511090,
28.03872786;	-98.26381465,	28.03876027;	-98.26167369,	30.47605803;	-99.21296680,	30.47647716;	-99.21079563,
28.03866820;	-98.25954411,	28.03845206;	-98.25743503,	30.47677389;	-99.21067633,	30.47678656;	-99.21066064,
28.03811276;	-98.25535550,	28.03765176;	-98.25331442,	30.47678820;	-99.21064812,	30.47679654;	-99.21044462,
28.03707105;	-98.25132055,	28.03637309;	-98.24938243,	30.47693086;	-99.20864884,	30.47802871;	-99.20677396,
28.03556090;	-98.24750835,	28.03463794;	-98.24570636,	30.47902245;	-99.20558508,	30.47958005;	-99.20247846,
28.03360818;	-98.24398417,	28.03247603;	-98.24234916,	30.48096772;	-99.20228691,	30.48105261;	-99.19918067,
28.03124634;	-98.24113443,	28.03021887;	-98.23083476,	30.48241824;	-99.19861515,	30.48266110;	-99.19660638,
28.02104737;	-98.23050872,	28.02075285;	-98.22906895,	30.48343422;	-99.19454350,	30.48409187;	-99.19243535,
28.01934417;	-98.22773613,	28.01785493;	-98.22651595,	30.48463123;	-99.19029097,	30.48504998;	-99.18811953,
28.01629151;	-98.22541364,	28.01466061;	-98.22443393,	30.48534633;	-99.18593036,	30.48551900;	-99.18373284,
28.01296921;	-98.22358099,	28.01122456;	-98.22285847,	30.48556727;	-99.18153637,	30.48549093;	-99.17935038,
28.00943414;	-98.22226947,	28.00760562;	-98.22181649,	30.48529029;	-99.17718424,	30.48496622;	-99.17504722,
28.00574682;	-98.22150148,	28.00386570;	-98.22132577,	30.48452011;	-99.17294849,	30.48395387;	-99.17089705,
28.00197033;	-98.22129010,	28.00006883;	-98.22139462,	30.48326993;	-99.16890168,	30.48247122;	-99.16697093,
27.99816932;	-98.22163888,	27.99627996;	-98.22202182,	30.48156116;	-99.16511307,	30.48054365;	-99.16383762,
27.99440882;	-98.22254179,	27.99256392;	-98.22319656,	30.47975512;	-99.16050915,	30.47759396;	-99.16032575,
27.99075315;	-98.22398333,	27.98898427;	-98.22489870,	30.47747402;	-99.15703384,	30.47530578;	-99.15671573,
27.98726486;	-98.22593877,	27.98560226;	-98.22709906,	30.47509363;	-99.15502735,	30.47387466;	-99.15343468,
27.98400360;	-98.22837462,	27.98247572;	-98.22975997,	30.47256264;	-99.15194453,	30.47116318;	-99.15056328,
27.98102515;	-98.23106012,	27.97982198;	-98.24826906,	30.46968228;	-99.14929685,	30.46812629;	-99.14815065,
27.96478131;	-98.24845806,	27.96461741;	-98.25004429,	30.46650187;	-99.14790445,	30.46611914;	-99.14788832,
27.96333954;	-98.25172121,	27.96215650;	-98.25348165,	30.46609362;	-99.14786512,	30.46607258;	-99.14672695,
27.96107335;	-98.25531806,	27.96009472;	-98.25722260,	30.46498724;	-99.14534587,	30.46350629;	-99.14407960,
27.95922481;	-98.25918710,	27.95846733;	-98.26120316,	30.46195024;	-99.14293356,	30.46032578;	-99.14191266,
27.95782553;	-98.26326215,	27.95730215;	-98.26535527,	30.45863985;	-99.14102126,	30.45689968;	-99.14026317,
27.95689942;	-98.26747356,	27.95661908;	-98.26960795,	30.45511273;	-99.13964163,	30.45328664;	-99.13915930,
27.95646232;	-98.27174932,	27.95642982.		30.45142925;	-99.13881823,	30.44954850;	-99.13861988,

Figure: 4 TAC §40.6(b)(2)(H)

(I) Surveillance Zone 9. That portion of Gillespie County lying within the area described by the following latitude-longitude coordinate pairs: -99.17353594, 30.39743442; -99.17375688, 30.39743649; -99.18452956, 30.39756726; -99.18650307, 30.39764152; -99.18868707, 30.39784204; -99.19085129, 30.39816591; -99.19298645, 30.39861175; -99.19508343, 30.39917766; -99.19713325, 30.39986120; -99.19912714, 30.40065947; -99.20105657, 30.40156904; -99.20291327, 30.40258602; -99.20468931, 30.40370605; -99.20637708, 30.40492436; -99.20796935, 30.40623571; -99.20893862, 30.40712459; -99.20895081, 30.40713625; -99.20896777, 30.40714184; -99.21010720, 30.40753808; -99.21210135,

30.40221528; -99.15672131, 30.40122230; -99.15866610,
30.40033766; -99.16067343, 30.39956514; -99.16273472,
30.39890804; -99.16484115, 30.39836918; -99.16698371,
30.39795086; -99.16915323, 30.39765487; -99.17134042,
30.39748248; -99.17353594, 30.39743442.

Figure: 4 TAC §40.6(b)(2)(I)

(J) Surveillance Zone 10. That portion of Limestone County lying within the area described by the following latitude-longitude coordinate pairs: -96.65881805, 31.73430087; -96.66104091, 31.73442055; -96.66324986, 31.73466419; -96.66543545, 31.73503074; -96.66758833, 31.73551864; -96.66969929, 31.73612579; -96.67175930, 31.73684960; -96.67375954, 31.73768698; -96.67569145, 31.73863434; -96.67754676, 31.73968762; -96.67931753, 31.74084232; -96.68099619, 31.74209350; -96.68257554, 31.74343580; -96.68404882, 31.74486349; -96.68462217, 31.74547369; -96.69651116, 31.75847900; -96.69729894, 31.75937568; -96.69854200, 31.76095533; -96.69966152, 31.76260105; -96.70065270, 31.76430580; -96.70151130, 31.76606228; -96.70223362, 31.76786296; -96.70281656, 31.76970015; -96.70325763, 31.77156597; -96.70355493, 31.77345244; -96.70370717, 31.77535148; -96.70731370, 31.77725496; -96.70757448, 31.77915473; -96.70329009, 31.78104265; -96.70286174, 31.78291064; -96.70229126, 31.78475069; -96.70158110, 31.78655493; -96.70073427, 31.78831563; -96.69975440, 31.79002524; -96.69864568, 31.79167645; -96.69741285, 31.79326217; -96.69606120, 31.79477561; -96.69459649, 31.79621030; -96.69302502, 31.79756007; -96.69135350, 31.79881916; -96.68958909, 31.79998216; -96.68773936, 31.80104409; -96.68741119, 31.80121725; -96.68017876, 31.80498498; -96.67857967, 31.80576803; -96.67658324, 31.80661451; -96.67452622, 31.80734764; -96.67241743, 31.80796427; -96.67026590, 31.80846177; -96.66808086, 31.80909135; -96.66364780, 31.80922074; -96.66141877, 31.80922561; -96.65919415, 31.80910594; -96.65698347, 31.80886223; -96.65479621, 31.80849555; -96.65264173, 31.80800745; -96.65052927, 31.80740003; -96.64846789, 31.80667590; -96.64646642, 31.80583815; -96.64453342, 31.80489038; -96.64267720, 31.80383665; -96.64090569, 31.80268147; -96.63922649, 31.80142980; -96.63764679, 31.80008699; -96.63617335, 31.79865880; -96.63514114, 31.79753453; -96.63512907, 31.79752070; -96.63511133, 31.79751247; -96.63344919, 31.79668870; -96.63159325, 31.79563481; -96.62982203, 31.79447948; -96.62814312, 31.79322765; -96.62656372, 31.79188471; -96.62509057, 31.79045639; -96.62372999, 31.78894883; -96.62248781, 31.78736847; -96.62219923, 31.78696681; -96.61946414, 31.78308965; -96.61863432, 31.78184492; -96.61764443, 31.78013956; -96.61678727, 31.77838254; -96.61606650, 31.77658138; -96.61548520, 31.77474381; -96.61504584, 31.77287769; -96.61475032, 31.77099101; -96.61459987, 31.76909186; -96.61459514, 31.76718838; -96.61473613, 31.76528870; -96.61502224, 31.76340096; -96.61545224, 31.76153325; -96.61602426, 31.75969357; -96.61673586, 31.75788978; -96.61758398, 31.75612962; -96.61856499, 31.75442061; -96.61967467, 31.75277007; -96.62090827, 31.75118507; -96.62226051, 31.74967239; -96.62372558, 31.74823850; -96.62529723, 31.74688954; -96.62696871, 31.74563128; -96.62873287, 31.74446912; -96.63058216, 31.74340801; -96.63111304, 31.74313021; -96.64027392, 31.73843371; -96.64166941, 31.73775591; -96.64366469, 31.73690995; -96.64572042, 31.73617730; -96.64782778, 31.73556108; -96.64997777, 31.73506394; -96.65216118, 31.73468801; -96.65436867,

31.73443488; -96.65659079, 31.73430565; -96.65881805, 31.73430087.

Figure: 4 TAC §40.6(b)(2)(J)

(K) Surveillance Zone 11. That portion of Uvalde County lying within the area described by the following latitude-longitude coordinate pairs: -99.65125893, 29.37997244; -99.64901352, 29.37941401; -99.64845147, 29.37926298; -99.64642007, 29.37858685; -99.64444354, 29.37779578; -99.64253035, 29.37689314; -99.64068870, 29.37588282; -99.63892647, 29.37476913; -99.63725122, 29.37355686; -99.63567012, 29.37225119; -99.63418993, 29.37085772; -99.63281701, 29.36938243; -99.63155722, 29.36783163; -99.63041596, 29.36621197; -99.62939812, 29.36453038; -99.62890580, 29.36359183; -99.62806121, 29.36305790; -99.62638630, 29.36184549; -99.62480553, 29.36053969; -99.62429303, 29.36007755; -99.62405653, 29.35985950; -99.62381874, 29.35964254; -99.62273208, 29.35860164; -99.62135950, 29.35712623; -99.62010006, 29.35557532; -99.61895913, 29.35395557; -99.61873659, 29.35360973; -99.61862150, 29.35342799; -99.61782653, 29.35209215; -99.61693677, 29.35035578; -99.61617856, 29.34857213; -99.61555516, 29.34674886; -99.61506922, 29.34489377; -99.61503821, 29.34475276; -99.61494625, 29.34432911; -99.61463087, 29.34259115; -99.61442548, 29.34069635; -99.61436197, 29.33879385; -99.61444061, 29.33689178; -99.61466105, 29.33499830; -99.61487321, 29.33380912; -99.61491150, 29.33362019; -99.61506063, 29.33293257; -99.61556121, 29.332926107; -99.61619893, 29.32926107; -99.61697106, 29.32748209; -99.61732421, 29.32676913; -99.61746691, 29.32649127; -99.61801697, 29.32547330; -99.61904741, 29.32379784; -99.61962571, 29.32295978; -99.61999501, 29.32244439; -99.62056993, 29.32166963; -99.62184101, 29.32012634; -99.62322451, 29.31865920; -99.62471449, 29.31727448; -99.62532991, 29.31675242; -99.62534908, 29.31673658; -99.62536140, 29.31671616; -99.62601185, 29.31568933; -99.62716487, 29.31407645; -99.62843575, 29.31253310; -99.62981903, 29.31106589; -99.63130880, 29.30968110; -99.63289868, 29.30838465; -99.63458185, 29.30718209; -99.63635112, 29.30607857; -99.63819890, 29.30507881; -99.64011729, 29.30418708; -99.6418708, 29.30274253; -99.64621273, 29.30340721; -99.64413280, 29.30274253; -99.64621273, 29.30219588; -99.64832897, 29.30176960; -99.65047248, 29.30146552; -99.65263408, 29.30128493; -99.65480452, 29.30122861; -99.65487588, 29.30122887; -99.65900847, 29.30122861; -99.66110711, 29.30131575; -99.66326739, 29.30124789; -99.66150809; -99.66540871, 29.30182382; -99.66752190, 29.30226160; -99.66959792, 29.30281955; -99.67162789, 29.30349528; -99.67360313, 29.30428591; -99.67551517, 29.30518805; -99.67735585, 29.30619784; -99.67911727, 29.30731096; -99.67954559, 29.30760570; -99.67956313, 29.30761798; -99.67958463, 29.30762363; -99.68080892, 29.30796826; -99.68283908, 29.30864382; -99.68481451, 29.30943427; -99.68672676, 29.31033624; -99.68856765, 29.31134587; -99.69032929, 29.31245884; -99.69200416, 29.31367038; -99.69358506, 29.31497531; -99.69506524, 29.31636805; -99.69643836, 29.31784263; -99.69769854, 29.31939275; -99.69884037, 29.32101177; -99.69985897, 29.32269277; -99.70074996, 29.32442854; -99.70150953, 29.32621166; -99.70213441, 29.32803449; -99.70262193, 29.32988924; -99.70296999, 29.33176795; -99.70316259, 29.33347054; -99.70358952, 29.33885328; -99.70360402, 29.33347054; -99.70358952, 29.33885328; -99.70360402, 29.33904533; -99.70366928, 29.34094779; -99.70359239, 29.34474356; -99.70337367, 29.34474356; -99.70321387, 29.35078288; -99.70322752,

29.35169864;	-99.70315061,	29.35360078;	-99.70293186,	29.34404235;	-99.74793744,	29.34242377;	-99.74691780,
29.35549443;	-99.70257219,	29.35737150;	-99.70207314,	29.34074315;	-99.74602583,	29.33900769;	-99.74526534,
29.35922394;	-99.70143683,	29.36104382;	-99.70066598,	29.33722483;	-99.74463959,	29.33540220;	-99.74415124,
29.36282334;	-99.69976390,	29.36455489;	-99.69873443,	29.33354762;	-99.74380237,	29.33166901;	-99.74359448,
29.36623103;	-99.69758198,	29.36784460;	-99.69631148,	29.32977444;	-99.74352845,	29.32787201;	-99.74360454,
29.36938868;	-99.69492837,	29.37085666;	-99.69343856,	29.32596988;	-99.74382244,	29.32407617;	-99.74418118,
29.37224223;	-99.69184845,	29.37353948;	-99.69016484,	29.32219902;	-99.74442828,	29.32121228;	-99.74475468,
29.37474283;	-99.68839493,	29.37584714;	-99.68654632,	29.3200902;	-99.74500564,	29.31914318;	-99.74564085,
29.37684766;	-99.68462691,	29.37774012;	-99.68264494,	29.31732311;	-99.74641051,	29.31554335;	-99.74731130,
29.37852068;	-99.68060890,	29.37918601;	-99.67852751,	29.31381150;	-99.74833938,	29.31213500;	-99.74949032,
29.37973324;	-99.67640970,	29.38016004;	-99.67426453,	29.31052100;	-99.75075920,	29.30897642;	-99.75214059,
29.38046457;	-99.67210121,	29.38064554;	-99.66992900,	29.30750787;	-99.75285890,	29.30681597;	-99.75290419,
29.38070216;	-99.66982079,	29.38070172;	-99.66706723,	29.30677372;	-99.75294287,	29.30672669;	-99.75358175,
29.38068663;	-99.65998003,	29.38082841;	-99.65912069,	29.30597556;	-99.75496305,	29.30450698;	-99.75645093,
29.38083583;	-99.65694891,	29.38076768;	-99.65478688,	29.30312072;	-99.75803903,	29.30182270;	-99.75972054,
29.38057523;	-99.65264386,	29.38025930;	-99.65125893,	29.30061847;	-99.76148826,	29.29951320;	-99.76333462,
29.37997244.				29.29851161;	-99.76525173,	29.29761799;	-99.76723138,

Figure: 4 TAC §40.6(b)(2)(K)

(L) Surveillance Zone 12. That portion of Uvalde County lying within the area described by the following latitude-longitude coordinate pairs: -99.77993414, 29.29464496; -99.77999035,

29.29464510;	-99.78359396,	29.29465668;	-99.78570769,
29.29472252;	-99.78786807,	29.29491273;	-99.79000964,
29.29522635;	-99.79212325,	29.29566204;	-99.79419984,
29.29621793;	-99.79623054,	29.29689166;	-99.79820666,
29.29768034;	-99.80011973,	29.29858058;	-99.80196158,
29.29958855;	-99.80372431,	29.30069993;	-99.80540038,
29.30190996;	-99.80698262,	29.30321346;	-99.80846425,
29.30460486;	-99.80983893,	29.30607821;	-99.81110077,
29.30762719;	-99.81224435,	29.30924517;	-99.81326479,
29.31092524;	-99.81415770,	29.31266021;	-99.81491926,
29.31444263;	-99.81554621,	29.31626490;	-99.81603584,
29.31811919;	-99.81619440,	29.31887664;	-99.81620950,
29.31895454;	-99.81623278,	29.31903087;	-99.81624122,
29.31905863;	-99.81673088,	29.32091293;	-99.81708112,
29.32279132;	-99.81729043,	29.32468576;	-99.81735791,
29.32658815;	-99.81728326,	29.32849033;	-99.81706679,
29.33038416;	-99.81670943,	29.33226154;	-99.81621268,
29.33411441;	-99.81557868,	29.33593484;	-99.81481014,
29.33771504;	-99.81391032,	29.33944738;	-99.81288309,
29.34112444;	-99.81173284,	29.34273904;	-99.81046449,
29.34428425;	-99.80908347,	29.34575346;	-99.80850270,
29.34629485;	-99.80851508,	29.34630490;	-99.80678762,
29.34793866;	-99.80657186,	29.34814077;	-99.80657138,
29.34814121;	-99.80655435,	29.34815700;	-99.80597613,
29.34869270;	-99.80536412,	29.34927474;	-99.80510058,
29.34952246;	-99.80509533,	29.34952734;	-99.80437562,
29.35017550;	-99.80278735,	29.35147413;	-99.80110550,
29.35267896;	-99.79933726,	29.35378481;	-99.79749021,
29.35478694;	-99.79557227,	29.35568108;	-99.79359165,
29.35646338;	-99.79155683,	29.35713048;	-99.78947655,
29.35767954;	-99.78735970,	29.35810820;	-99.78521537,
29.35841461;	-99.78305275,	29.35859747;	-99.78088110,
29.35865600;	-99.77870973,	29.35858994;	-99.77654795,
29.35839957;	-99.77440502,	29.35808572;	-99.77229014,
29.35764972;	-99.77208135,	29.35759383;	-99.77161615,
29.35752568;	-99.76950128,	29.35708963;	-99.76742352,
29.35653331;	-99.76539177,	29.35585911;	-99.76341474,
29.35506990;	-99.76150089,	29.35416907;	-99.75965843,
29.35316049;	-99.75789525,	29.35204848;	-99.75621890,
29.35083779;	-99.75602128,	29.35068405;	-99.75590514,
29.35059297;	-99.75578418,	29.35050683;	-99.75477992,
29.34976222;	-99.75319762,	29.34845804;	-99.75171611,
29.34706596;	-99.75034174,	29.34559196;	-99.74908038,

Figure: 4 TAC §40.6(b)(2)(L)

(M) Surveillance Zone 13. That portion of Zavala County lying within the area described by the following latitude-longitude coordinate pairs: -99.51049107, 28.95090385; -99.51265316,

28.95097451;	-99.51480536,	28.95116936;	-99.51693849,
28.95148756;	-99.51904340,	28.95192775;	-99.52111110,
28.95248804;	-99.52313273,	28.95316605;	-99.52509964,
28.95395887;	-99.52700343,	28.95486311;	-99.52883593,
28.95587490;	-99.53058931,	28.95698991;	-99.53225606,
28.95820337;	-99.53382905,	28.95951008;	-99.53530154,
28.96090446;	-99.53666722,	28.96238053;	-99.53792024,
28.96393199;	-99.53905524,	28.96555219;	-99.54006736,
28.96723419;	-99.54095224,	28.96897081;	-99.54170611,
28.97075459;	-99.54232572,	28.97257791;	-99.54280841,
28.97443297;	-99.54315211,	28.97631181;	-99.54335534,
28.97820640;	-99.54341747,	28.97994914;	-99.54343982,
28.99442460;	-99.54343982,	28.99442464;	-99.54344056,
28.99490529;	-99.54344056,	28.99490532;	-99.54346253,
29.00913749;	-99.54346228,	29.00929698;	-99.54338252,
29.01119871;	-99.54316142,	29.01309180;	-99.54279994,
29.01496812;	-99.54229960,	29.01681964;	-99.54166254,
29.01863843;	-99.54089149,	29.02041670;	-99.53998973,
29.02214683;	-99.53896114,	29.02382142;	-99.53781009,
29.02543328;	-99.53654153,	29.02697551;	-99.53516088,
29.02844151;	-99.53367405,	29.02982499;	-99.53208741,
29.03112002;	-99.53040774,	29.03232106;	-99.52864226,
29.03342296;	-99.52679851,	29.03442099;	-99.52488441,
29.03531089;	-99.52290814,	29.03608882;	-99.52087818,
29.03675147;	-99.51880322,	29.03729599;	-99.51669217,
29.03772004;	-99.51455406,	29.03802182;	-99.51239806,
29.03820002;	-99.51072237,	29.03825261;	-99.50919519,
29.03826650;	-99.50904828,	29.03826755;	-99.50752105,
29.03827545;	-99.50737410,	29.03827593;	-99.50594924,
29.03827773;	-99.49566970,	29.03834613;	-99.49566962,
29.03834613;	-99.49473223,	29.03835233;	-99.49296109,
29.03836402;	-99.49267467,	29.03836600;	-99.49226342,
29.03836658;	-99.49009941,	29.03829557;	-99.48794532,
29.03810029;	-99.48581040,	29.03778159;	-99.48370377,
29.03734082;	-99.48163449,	29.03677988;	-99.47961141,
29.03610118;	-99.47764320,	29.03530761;	-99.47573830,
29.03440259;	-99.47390487,	29.03338999;	-99.47215076,
29.03227415;	-99.47048349,	29.03310595;	-99.46891020,
29.02975230;	-99.46743762,	29.02835709;	-99.46607207,

29.72570801;	-97.31137184,	29.72395554;	-97.31065346,	31.51740106;	-98.26794004,	31.51599147;	-98.26655743,
29.72215820;	-97.31007131,	29.72032371;	-97.30962789,	31.51450121;	-98.26529158,	31.51293666;	-98.26414793,
29.71845990;	-97.30932508,	29.71657478;	-97.30916418,	31.51130452;	-98.26313137,	31.50961178;	-98.26224625,
29.71467640;	-97.30914586,	29.71277290;	-97.30927019,	31.50786570;	-98.26149634,	31.50607376;	-98.26125159,
29.71087243;	-97.30953663,	29.70898313;	-97.30994404,	31.50539420;	-98.26103721,	31.50477207;	-98.26067049,
29.70711309;	-97.31049066,	29.70527031;	-97.31117414,	31.50362151;	-98.26022400,	31.50187220;	-98.26019758,
29.70346269;	-97.31199155,	29.70169796;	-97.31217595,	31.50175089;	-98.26016347,	31.50163099;	-98.25975004,
29.70135935;	-97.31222358,	29.70078121;	-97.31248994,	31.49996785;	-98.25959479,	31.49917802;	-98.25948771,
29.69889191;	-97.31289724,	29.69702187;	-97.31344375,	31.49858334;	-98.25946172,	31.49843651;	-98.25934394,
29.69517908;	-97.31412710,	29.69337145;	-97.31494437,	31.49775950;	-98.25919780,	31.49681330;	-98.25918143,
29.69160670;	-97.31589205,	29.68989240;	-97.31696608,	31.49668976;	-98.25908514,	31.49594870;	-98.25891856,
29.68823587;	-97.31816186,	29.68664422;	-97.31947425,	31.49417507;	-98.25888083,	31.49227170;	-98.25898845,
29.68512425;	-97.32089764,	29.68368247;	-97.32242593,	31.49037029;	-98.25924095,	31.48847898;	-98.25963726,
29.68232504;	-97.32405258,	29.68105779;	-97.32577063,	31.48660587;	-98.26017566,	31.48475897;	-98.26085383,
29.67988612;	-97.32757271,	29.67881506;	-97.32945111,	31.48294621;	-98.26166887,	31.48117533;	-98.26261729,
29.67784918;	-97.33139780,	29.67699262;	-97.33340444,	31.47945392;	-98.26369501,	31.47778934;	-98.26489741,
29.67624905;	-97.33546245,	29.67562164;	-97.33756301,	31.47618873;	-98.26621934,	31.47465892;	-98.26679534,
29.67511308;	-97.33969715,	29.67472555;	-97.34185574,	31.47405293;	-98.26681607,	31.47403171;	-98.26682930,
29.67446070;	-97.34402952,	29.67431967;	-97.34541018,	31.47400646;	-98.26759061,	31.47264847;	-98.26866816,
29.67429469;	-97.34658982,	29.67429469;	-97.34738886,	31.47098385;	-98.26987040,	31.46938319;	-98.27119216,
29.67430305;				31.46785333;	-98.27262778,	31.46640083;	-98.27417112,
				31.46503189;	-98.27581557,	31.46375239;	-98.27755408,
				31.46256779;	-98.27937922,	31.46148316;	-98.28128317,
				31.46050315;	-98.28325778,	31.45963194;	-98.28529460,
				31.4587328;	-98.28738491,	31.45823039;	-98.28951978,
				31.45770603;	-98.29169006,	31.45730245;	-98.29388648,
				31.45702138;	-98.29609963,	31.45686400;	-98.29832004,
				31.45683101.			

Figure: 4 TAC §40.6(b)(2)(N)

(O) Surveillance Zone 15. Those portions of Hamilton County and Mills County lying within the area described by the following latitude-longitude coordinate pairs:

31.45683101;	-98.30053822,	31.45692253;	-98.30274468,
31.45713818;	-98.30492997,	31.45747704;	-98.30708475,
31.45793765;	-98.30919980,	31.45851805;	-98.31038658,
31.45890239;	-98.31669362,	31.46106098;	-98.31757314,
31.46137430;	-98.31958188,	31.46218621;	-98.32152441,
31.46310897;	-98.32339241,	31.46413863;	-98.32517789,
31.46527078;	-98.32687319,	31.46650058;	-98.32847108,
31.46782275;	-98.32996470,	31.46923166;	-98.33134765,
31.47072126;	-98.332261402,	31.47228518;	-98.33375838,
31.47391673;	-98.33477582,	31.47560893;	-98.33566198,
31.47735452;	-98.33641306,	31.47914604;	-98.33665926,
31.47982828;	-98.33754324,	31.48238871;	-98.33827257,
31.48389251;	-98.33842953,	31.48417633;	-98.33930782,
31.48590739;	-98.34005903,	31.48769889;	-98.34067194,
31.48952865;	-98.34114389,	31.49138885;	-98.34147287,
31.49327150;	-98.34160905,	31.49463708;	-98.34170158,
31.49532212;	-98.34188349,	31.49719938;	-98.34192290,
31.49910272;	-98.34181693,	31.50100420;	-98.34156604,
31.50289566;	-98.34117128,	31.50476902;	-98.34063435,
31.50661624;	-98.33995753,	31.50842941;	-98.33914372,
31.51020077;	-98.33819639,	31.51192273;	-98.33711959,
31.51358792;	-98.33591793,	31.51518919;	-98.33459656,
31.51671969;	-98.33316112,	31.51817287;	-98.33161777,
31.51954249;	-98.32997310,	31.52082268;	-98.32823418,
31.52200797;	-98.32640843,	31.52309328;	-98.32450370,
31.52407394;	-98.32252812,	31.52494576;	-98.32082827,
31.52558836;	-98.31529088,	31.52752825;	-98.31495278,
31.52764488;	-98.31286112,	31.52828820;	-98.31072479,
31.52881293;	-98.30855295,	31.52921682;	-98.30635491,
31.52949815;	-98.30414008,	31.52965569;	-98.30191796,
31.52968879;	-98.29969808,	31.52959729;	-98.29748994,
31.52938159;	-98.29530301,	31.52904261;	-98.29314668,
31.52858181;	-98.29103016,	31.52800116;	-98.28896255,
31.52730315;	-98.28774691,	31.52682831;	-98.28364524,
31.52514181;	-98.28322840,	31.52502741;	-98.28116091,
31.52432928;	-98.27915118,	31.52351678;	-98.27720783,
31.52259339;	-98.27569722,	31.52177212;	-98.27487099,
31.52129631;	-98.27451295,	31.52108726;	-98.27272703,
31.51995442;	-98.27103146,	31.51872393;	-98.26943352,

Figure: 4 TAC §40.6(b)(2)(O)

(P) Surveillance Zone 16. That portion of Washington County lying within the area described by the following latitude-longitude coordinate pairs:

-96.37818601,	30.18191727;	-96.38037261,	
30.18204179;	-96.38126142,	30.18214344;	-96.38183665,
30.18217619;	-96.38400921,	30.18242463;	-96.38615844,
30.18279594;	-96.38827512,	30.18328855;	-96.39035022,
30.18390033;	-96.39237485,	30.18462869;	-96.39434034,
30.18547049;	-96.39623829,	30.18642214;	-96.39677558,
30.18671848;	-96.39737631,	30.18705681;	-96.39866130,
30.18781788;	-96.40040012,	30.18897655;	-96.40204804,
30.19023151;	-96.40359798,	30.19157740;	-96.40504332,
30.19300845;	-96.40637787,	30.19451853;	-96.40759591,
30.19610120;	-96.40869221,	30.19774966;	-96.40966209,
30.19945688;	-96.41050137,	30.20121553;	-96.41120647,
30.20301809;	-96.41177436,	30.20485685;	-96.41220260,
30.20672393;	-96.41248933,	30.20861134;	-96.41263334,
30.21051100;	-96.41263400,	30.21241478;	-96.41249128,
30.21431451;	-96.41220581,	30.21620207;	-96.41177878,
30.21806937;	-96.41121202,	30.21990842;	-96.41101164,
30.22042153;	-96.41096546,	30.22057140;	-96.41026138,
30.22237431;	-96.40942300,	30.22413337;	-96.40845391,
30.22584103;	-96.40735824,	30.22749000;	-96.40614068,
30.22907319;	-96.40480645,	30.23058383;	-96.40361125,
30.23201544;	-96.40181128,	30.23336189;	-96.40016316,
30.23461742;	-96.39842397,	30.23577663;	-96.39660114,
30.23683457;	-96.39470249,	30.23778670;	-96.39273616,
30.23862893;	-96.39071056,	30.23935767;	-96.38863437,
30.23996978;	-96.38665406,	30.24043453;	-96.38629455,
30.24050872;	-96.38615699,	30.24053684;	-96.38400651,
30.24090835;	-96.38196210,	30.24114560;	-96.37956349,
30.24135891;	-96.37943403,	30.24137020;	-96.37724607,
30.24149469;	-96.37505342,	30.24149463;	-96.37286548,
30.24137002;	-96.37069161,	30.24112139;	-96.36854115,
30.24074981;	-96.36642330,	30.24025688;	-96.36434713,
30.23964469;	-96.36232156,	30.23891589;	-96.36035526,

30.23807359; -96.35845664, 30.23712140; -96.35663386, -99.44243593, 29.10354756; -99.44153165, 29.10527706;
30.23606340; -96.35489471, 30.23490412; -96.35324665, -99.44050047, 29.10695091; -99.43934681, 29.10856193;
30.23364854; -96.35169673, 30.23230204; -96.35025159, -99.43807560, 29.11010323; -99.43669228, 29.11156821;
30.23087038; -96.34891742, 30.22935969; -96.34769993, -99.43520278, 29.11295058; -99.43361347, 29.11424443;
30.22777646; -96.34660433, 30.22612746; -96.34563531, -99.43193115, 29.11544420; -99.43016304, 29.11654476;
30.22441976; -96.34479700, 30.22266068; -96.34409301, -99.42831670, 29.11754139; -99.42640006, 29.11842982;
30.22085774; -96.34389251, 30.22026011; -96.34343697, -99.42442131, 29.11920624; -99.42238894, 29.11986733;
30.21884608; -96.34307079, 30.21760465; -96.34264385, -99.42031166, 29.12041025; -99.41819837, 29.12083267;
30.21573733; -96.34235847, 30.21384976; -96.34221584, -99.41605812, 29.12113278; -99.41390010, 29.12130930;
30.21195002; -96.34221658, 30.21004625; -96.34236068, -99.41173354, 29.12136147; -99.40956774, 29.12128907;
30.20814660; -96.34264751, 30.20625920; -96.34307582, -99.40741198, 29.12109241; -99.40734269, 29.12108400;
30.20439213; -96.34364379, 30.20255339; -96.34434897, -99.40258844, 29.12050256; -99.40251013, 29.12049289;
30.20075085; -96.34518834, 30.19899223; -96.34615829, -99.40022873, 29.12020893; -99.39720636, 29.11986781;
30.19728505; -96.34725467, 30.19563662; -96.34847277, -99.39692727, 29.11983525; -99.39479084, 29.11951498;
30.19405400; -96.34980738, 30.19254396; -96.35125278, -99.39268286, 29.11907268; -99.39208583, 29.11891917;
30.19111296; -96.35280278, 30.18976713; -96.35445074, -99.39061689, 29.11878496; -99.39045904, 29.11876559;
30.18851223; -96.35618961, 30.18735362; -96.35801194, -99.39030879, 29.11874684; -99.38833026, 29.11844583;
30.18629627; -96.35990994, 30.18534470; -96.36187547, -99.38622233, 29.11800342; -99.38415189, 29.11744086;
30.18450297; -96.36390014, 30.18377470; -96.36597526, -99.38212782, 29.11676056; -99.38015877, 29.11596544;
30.18316299; -96.36809197, 30.18267047; -96.37024121, -99.37825320, 29.11505890; -99.37641926, 29.11404484;
30.18229924; -96.37241378, 30.18205089; -96.37460039, -99.37466482, 29.11292760; -99.37299738, 29.11171196;
30.18192649; -96.37543875, 30.18191180; -96.37683307, -99.37142410, 29.11040314; -99.36995170, 29.10900674;
30.18190253; -96.37818601, 30.18191727, -99.36858649, 29.10752875; -99.36733432, 29.10597549;
-99.36620054, 29.10435364; -99.36519001, 29.10267012;
-99.36430705, 29.10093216; -99.36355544, 29.09914720;
-99.36293838, 29.09732288; -99.36245851, 29.09546703;
-99.36211788, 29.09358758; -99.36191794, 29.09169259;
-99.36185899, 29.08994923; -99.36185979, 29.08759978;
-99.36185468, 29.08021473; -99.36179777, 29.07578925;
-99.36179620, 29.07529296; -99.36181412, 29.07448936;
-99.36183449, 29.07395395; -99.36175088, 29.05314345;
-99.35996291, 29.05242064; -99.35805877, 29.05151383;
-99.35622624, 29.05049951; -99.35447317, 29.04938202;
-99.35280708, 29.04816615; -99.35123509, 29.04685712;
-99.34976395, 29.04546053; -99.34839994, 29.04398236;
-99.34714891, 29.04242896; -99.34601621, 29.04080696;
-99.34500669, 29.03912334; -99.34412467, 29.03738529;
-99.34337391, 29.03560026; -99.34275764, 29.03377591;
-99.34227847, 29.03192003; -99.34193845, 29.03004059;
-99.34173904, 29.02814563; -99.34168123, 29.02661115;
-99.34159160, 29.01485148; -99.34159144, 29.01448360;
-99.34167515, 29.01258199; -99.34190017, 29.01068926;
-99.34226551, 29.00881353; -99.34276962, 29.00696281;
-99.34341032, 29.00514504; -99.34418486, 29.00336800;
-99.34508992, 29.00163929; -99.34612162, 28.99996631;
-99.34727554, 28.99835622; -99.34854672, 28.99681592;
-99.34992974, 28.99535199; -99.35141865, 28.99397071;
-99.35300709, 28.99267798; -99.35468826, 28.99147933;
-99.35645495, 28.99037990; -99.35829961, 28.98938439;
-99.36021433, 28.98849705; -99.36219093, 28.98772168;
-99.36422095, 28.98706161; -99.36629570, 28.98651966.

Figure: 4 TAC §40.6(b)(2)(P)

(Q) Surveillance Zone 17. Those portions of Uvalde County, Medina County, Zavala County, and Frio County lying within the area described by the following latitude-longitude coordinate pairs: -99.36629570, 28.98651966; -99.36840629, 28.98609813;

-99.37054371, 28.98579885; -99.37269881, 28.98562308;
-99.37457901, 28.98557124; -99.39771126, 28.98550985;
-99.39799462, 28.98551014; -99.40015739, 28.98558273;
-99.40231013, 28.98577951; -99.40444365, 28.98609962;
-99.40565242, 28.98635347; -99.41151732, 28.98633887;
-99.41178778, 28.98633916; -99.41395058, 28.98641152;
-99.41610337, 28.98660806; -99.41823694, 28.98692794;
-99.42034218, 28.98736979; -99.42241006, 28.98793172;
-99.42443174, 28.98861133; -99.42639856, 28.98940570;
-99.42830212, 28.99031145; -99.43013427, 28.99132470;
-99.43188715, 28.99244110; -99.43355328, 28.99365589;
-99.43512552, 28.99496386; -99.43659712, 28.99635942;
-99.43796180, 28.99783659; -99.43921371, 28.99938906;
-99.44034748, 29.00101018; -99.44135825, 29.00269301;
-99.44224170, 29.00443034; -99.44299403, 29.00621475;
-99.44361201, 29.00803859; -99.44409300, 29.00989406;
-99.44443492, 29.01177320; -99.44449215, 29.01219557;
-99.44450034, 29.01225994; -99.44451689, 29.01232306;
-99.44475929, 29.01332772; -99.44510124, 29.01520687;
-99.44530264, 29.01710165; -99.44536304, 29.01884947;
-99.44536322, 29.01937485; -99.44536281, 29.01952935;
-99.44528112, 29.02143103; -99.44505809, 29.02332395;
-99.44475642, 29.02488126; -99.44476655, 29.03161243;
-99.44476617, 29.03179688; -99.44468445, 29.03369858;
-99.44446139, 29.03559151; -99.44418254, 29.03703079;
-99.44426315, 29.03734169; -99.44460517, 29.03922086;
-99.44480661, 29.04111567; -99.44486682, 29.04277116;
-99.44487857, 29.04574449; -99.44487858, 29.04574806;
-99.44490723, 29.05326856; -99.44508156, 29.07206778;
-99.44508224, 29.07245062; -99.44506122, 29.07293977;
-99.44502522, 29.07658552; -99.44507753, 29.08488228;
-99.44507804, 29.08504920; -99.44507647, 29.09190192;
-99.44507605, 29.09204196; -99.44499430, 29.09394371;
-99.44481401, 29.09555051; -99.44475814, 29.09593795;
-99.44471522, 29.09622414; -99.44435153, 29.09810025;
-99.44384888, 29.09995145; -99.44320944, 29.10176982;

-99.36620054, 29.10435364; -99.36519001, 29.10267012;
-99.36430705, 29.10093216; -99.36355544, 29.09914720;
-99.36293838, 29.09732288; -99.36245851, 29.09546703;
-99.36211788, 29.09358758; -99.36191794, 29.09169259;
-99.36185899, 29.08994923; -99.36185979, 29.08759978;
-99.36185468, 29.08021473; -99.36179777, 29.07578925;
-99.36179620, 29.07529296; -99.36181412, 29.07448936;
-99.36183449, 29.07395395; -99.36175088, 29.05314345;
-99.35996291, 29.05242064; -99.35805877, 29.05151383;
-99.35622624, 29.05049951; -99.35447317, 29.04938202;
-99.35280708, 29.04816615; -99.35123509, 29.04685712;
-99.34976395, 29.04546053; -99.34839994, 29.04398236;
-99.34714891, 29.04242896; -99.34601621, 29.04080696;
-99.34500669, 29.03912334; -99.34412467, 29.03738529;
-99.34337391, 29.03560026; -99.34275764, 29.03377591;
-99.34227847, 29.03192003; -99.34193845, 29.03004059;
-99.34173904, 29.02814563; -99.34168123, 29.02661115;
-99.34159160, 29.01485148; -99.34159144, 29.01448360;
-99.34167515, 29.01258199; -99.34190017, 29.01068926;
-99.34226551, 29.00881353; -99.34276962, 29.00696281;
-99.34341032, 29.00514504; -99.34418486, 29.00336800;
-99.34508992, 29.00163929; -99.34612162, 28.99996631;
-99.34727554, 28.99835622; -99.34854672, 28.99681592;
-99.34992974, 28.99535199; -99.35141865, 28.99397071;
-99.35300709, 28.99267798; -99.35468826, 28.99147933;
-99.35645495, 28.99037990; -99.35829961, 28.98938439;
-99.36021433, 28.98849705; -99.36219093, 28.98772168;
-99.36422095, 28.98706161; -99.36629570, 28.98651966.

Figure: 4 TAC §40.6(b)(2)(Q)

(R) Surveillance Zone 18. That portion of Bexar County lying within the area described by the following latitude-longitude coordinate pairs: -98.41854190, 29.60199171; -98.41827532,

29.60036441; -98.41820173, 29.59946325; -98.41935723,
29.59934829; -98.42007975, 29.59930339; -98.42022196,
29.59928360; -98.42033977, 29.59924733; -98.42065142,
29.59905174; -98.42202496, 29.59804750; -98.42236018,
29.59768809; -98.42276917, 29.59705691; -98.42378914,
29.59510019; -98.42409289, 29.59454344; -98.42429120,
29.59410349; -98.42435498, 29.59385557; -98.42421065,
29.59263608; -98.42403694, 29.59149198; -98.42359397,
29.58835539; -98.42353507, 29.58796200; -98.42359840,

29.58659898;	-98.42353773;	29.58606800;	-98.42347607;	29.56336013;	-98.53841514;	29.56459571;	-98.53907187;
29.58559760;	-98.42336292;	29.58509626;	-98.42335201;	29.56570118;	-98.54061198;	29.56829355;	-98.54161191;
29.58470224;	-98.42323663;	29.58433722;	-98.42284944;	29.56997659;	-98.54226243;	29.57106885;	-98.54229558;
29.58363552;	-98.42194833;	29.58256384;	-98.42164384;	29.57123289;	-98.54313658;	29.57268820;	-98.54345042;
29.58210555;	-98.42140767;	29.58170873;	-98.42122424;	29.57322058;	-98.54392499;	29.57395127;	-98.54432185;
29.58126711;	-98.42088955;	29.58053576;	-98.42037267;	29.57453700;	-98.54466018;	29.57503504;	-98.54414186;
29.57928706;	-98.42017216;	29.57883008;	-98.41963723;	29.57539420;	-98.54102062;	29.57845360;	-98.54058866;
29.57762660;	-98.41900256;	29.57616433;	-98.41851816;	29.57894640;	-98.54031185;	29.57945005;	-98.54014754;
29.57505238;	-98.41828869;	29.57451270;	-98.41816393;	29.58004550;	-98.53998516;	29.58051427;	-98.53973082;
29.57408326;	-98.41811464;	29.57364380;	-98.41811312;	29.58090052;	-98.53936205;	29.58132164;	-98.53892095;
29.57335305;	-98.41813580;	29.57311746;	-98.41817130;	29.58173288;	-98.53461964;	29.58474230;	-98.53405509;
29.57286556;	-98.41822562;	29.57261390;	-98.41828558;	29.58509778;	-98.53354353;	29.58537243;	-98.53267736;
29.57240072;	-98.41900922;	29.57097946;	-98.41939967;	29.58581493;	-98.53164512;	29.58628265;	-98.53091476;
29.5715092;	-98.41958715;	29.56953305;	-98.41963876;	29.58664525;	-98.53037006;	29.58705526;	-98.52992808;
29.56908791;	-98.41960615;	29.56837038;	-98.41950418;	29.58752076;	-98.52968403;	29.58790711;	-98.52945780;
29.56782642;	-98.41927746;	29.56677697;	-98.41908810;	29.58848373;	-98.52923918;	29.58924146;	-98.52897789;
29.56615439;	-98.41901084;	29.56545568;	-98.41908462;	29.59008014;	-98.52795026;	29.59338014;	-98.52750103;
29.56501082;	-98.41918007;	29.56479118;	-98.41926892;	29.59457929;	-98.52710718;	29.59528067;	-98.52660826;
29.56458673;	-98.41983604;	29.56379917;	-98.42175866;	29.59608038;	-98.52615338;	29.59670864;	-98.52573023;
29.56145859;	-98.42902286;	29.55268827;	-98.43074139;	29.59729201;	-98.52498375;	29.59802548;	-98.52382570;
29.55072216;	-98.43213227;	29.54931344;	-98.43357650;	29.59926099;	-98.52309700;	29.60018471;	-98.52260796;
29.54787449;	-98.43582561;	29.54622488;	-98.44892509;	29.60101168;	-98.52223255;	29.60185807;	-98.52196798;
29.53755560;	-98.45141126;	29.53593596;	-98.45203902;	29.60290488;	-98.52189298;	29.60374573;	-98.52190055;
29.53552516;	-98.45283089;	29.53492322;	-98.45357662;	29.60460564;	-98.52198392;	29.60524922;	-98.52212018;
29.53432875;	-98.45438957;	29.53355805;	-98.45539005;	29.60582101;	-98.52241686;	29.60637860;	-98.52282360;
29.53256833;	-98.45740100;	29.53053667;	-98.46002663;	29.60791091;	-98.52288266;	29.60804489;	-98.52303891;
29.52782186;	-98.46306721;	29.52467998;	-98.46495711;	29.60841300;	-98.52318735;	29.60878355;	-98.52332796;
29.52266145;	-98.46740469;	29.52025102;	-98.46879769;	29.60915644;	-98.52346069;	29.60953153;	-98.52358549;
29.51887705;	-98.46944470;	29.51823662;	-98.47694841;	29.60990870;	-98.52361954;	29.61001634;	-98.52362784;
29.51997173;	-98.48392424;	29.51953000;	-98.48410956;	29.61007672;	-98.52364610;	29.61025083;	-98.52365600;
29.52033579;	-98.48413838;	29.52049974;	-98.49925779;	29.61042547;	-98.52365751;	29.61060030;	-98.52365066;
29.52028083;	-98.50344619;	29.52039156;	-98.50489026;	29.61077504;	-98.52363543;	29.61094938;	-98.52361814;
29.52038139;	-98.50594879;	29.52044841;	-98.50684240;	29.61108234;	-98.52358718;	29.61120299;	-98.52353955;
29.52043170;	-98.51263177;	29.52029887;	-98.51263081;	29.61135933;	-98.52348394;	29.61151365;	-98.52342046;
29.52036086;	-98.51264406;	29.52046001;	-98.51266734;	29.61166563;	-98.52334924;	29.61181497;	-98.52327043;
29.52054638;	-98.51271010;	29.52064588;	-98.51275752;	29.61196136;	-98.52318417;	29.61210453;	-98.52309067;
29.52076265;	-98.51280553;	29.52084070;	-98.51287290;	29.61224416;	-98.52299008;	29.61237999;	-98.52288261;
29.52094049;	-98.51295522;	29.52102754;	-98.51306681;	29.61251174;	-98.52276850;	29.61263913;	-98.52264794;
29.52113216;	-98.51316255;	29.52121154;	-98.51325059;	29.61276193;	-98.52252122;	29.61287988;	-98.52238856;
29.52127440;	-98.51358302;	29.52148688;	-98.51424016;	29.61299275;	-98.52225024;	29.61310029;	-98.52210654;
29.52195946;	-98.51431311;	29.52201628;	-98.51440069;	29.61320231;	-98.52195775;	29.61329859;	-98.52180415;
29.52208187;	-98.51448335;	29.52214740;	-98.51455989;	29.61338894;	-98.52178251;	29.61340098;	-98.52162100;
29.52221500;	-98.51463254;	29.52228502;	-98.51469500;	29.61347209;	-98.52078501;	29.61383531;	-98.51994536;
29.52234464;	-98.51474074;	29.52239649;	-98.51476915;	29.61419202;	-98.51950615;	29.61437541;	-98.51936473;
29.52243384;	-98.51510338;	29.52287321;	-98.51526609;	29.61442394;	-98.51920039;	29.61448758;	-98.51903961;
29.52310138;	-98.51543165;	29.52331903;	-98.51573653;	29.61455783;	-98.51888274;	29.61463454;	-98.51873013;
29.52371652;	-98.51575023;	29.52377640;	-98.51712304;	29.61471754;	-98.51858211;	29.61480665;	-98.51843898;
29.52558068;	-98.52265287;	29.53284773;	-98.52511432;	29.61490169;	-98.51830107;	29.61500244;	-98.51818688;
29.53608202;	-98.52552347;	29.53665562;	-98.52583210;	29.61510869;	-98.51804209;	29.61522021;	-98.51792157;
29.53712119;	-98.52623029;	29.53779520;	-98.52667568;	29.61533676;	-98.51780738;	29.61545807;	-98.51769978;
29.53860461;	-98.52701349;	29.53931309;	-98.52766675;	29.61558390;	-98.51759900;	29.61571396;	-98.51750525;
29.54078926;	-98.52831179;	29.54224682;	-98.52875100;	29.61584798;	-98.51741874;	29.61598567;	-98.51733965;
29.54328933;	-98.52947491;	29.54494010;	-98.53057153;	29.61612673;	-98.51726816;	29.61627084;	-98.51720442;
29.54744073;	-98.53071091;	29.54754991;	-98.53090146;	29.61641772;	-98.51715172;	29.61655792;	-98.51704941;
29.54796821;	-98.53119734;	29.54863768;	-98.53160204;	29.61682831;	-98.51687088;	29.61728177;	-98.51668449;
29.54995847;	-98.53198543;	29.55078819;	-98.53239785;	29.61773281;	-98.51649032;	29.61818134;	-98.51628839;
29.55172559;	-98.53274677;	29.55252355;	-98.53301648;	29.61862724;	-98.51611754;	29.61898987;	-98.51606973;
29.55313407;	-98.53334439;	29.55387440;	-98.53348700;	29.61906617;	-98.51599606;	29.61917071;	-98.51591535;
29.55401478;	-98.53371821;	29.55453551;	-98.53426914;	29.61927122;	-98.51582791;	29.61936733;	-98.51573405;
29.55574731;	-98.53428112;	29.55595135;	-98.53460329;	29.61945869;	-98.51563411;	29.61954499;	-98.51552843;
29.55671073;	-98.53525341;	29.55821044;	-98.53535875;	29.61962590;	-98.51541742;	29.61970116;	-98.51530144;
29.55847949;	-98.53562914;	29.55904697;	-98.53581903;	29.61977047;	-98.51518093;	29.61983360;	-98.51505632;
29.55925251;	-98.53606583;	29.55982027;	-98.53699931;	29.61989032;	-98.51492804;	29.61994043;	-98.51482283;
29.56189856;	-98.53766571;	29.56323724;	-98.53773350;	29.61997572;	-98.51469659;	29.62001830;	-98.51457140;

29.62006830;	-98.51444994;	29.62012489;	-98.51433265;	29.64105234;	-98.48056269;	29.64092444;	-98.48051108;
29.62018784;	-98.51421997;	29.62025692;	-98.51411232;	29.64079883;	-98.48045164;	29.64067589;	-98.48038455;
29.62033188;	-98.51401010;	29.62041242;	-98.51391368;	29.64055600;	-98.48031000;	29.64043953;	-98.48022820;
29.62049827;	-98.51382345;	29.62058909;	-98.51375582;	29.64032681;	-98.48013943;	29.64021821;	-98.48004394;
29.62066522;	-98.51355084;	29.62090342;	-98.51332674;	29.64011404;	-98.47994203;	29.64001462;	-98.47983400;
29.62115210;	-98.51324649;	29.62123707;	-98.51319581;	29.63992026;	-98.47972019;	29.63983124;	-98.47963296;
29.62129073;	-98.51314761;	29.62134177;	-98.51309618;	29.63976931;	-98.47958336;	29.63973134;	-98.47945772;
29.62139623;	-98.51285927;	29.62163567;	-98.51261613;	29.63964200;	-98.47932698;	29.63955842;	-98.47919149;
29.62187032;	-98.51236690;	29.62210002;	-98.51211170;	29.63948083;	-98.47905162;	29.63940944;	-98.47890772;
29.62232467;	-98.51185068;	29.62254415;	-98.51179190;	29.63934443;	-98.47876018;	29.63928598;	-98.47860939;
29.62259221;	-98.51160422;	29.62272400;	-98.51141132;	29.63923424;	-98.47845576;	29.63918935;	-98.47829967;
29.62285013;	-98.51121357;	29.62297037;	-98.51101137;	29.63915143;	-98.47814157;	29.63912058;	-98.47798186;
29.62308458;	-98.51080438;	29.62319261;	-98.51059345;	29.63909688;	-98.47786466;	29.63908414;	-98.47768013;
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29.62347843;	-98.50993832;	29.62356056;	-98.50971337;	29.63901325;	-98.47699548;	29.63897425;	-98.47677039;
29.62363595;	-98.50948557;	29.62370452;	-98.50925520;	29.63892811;	-98.47654734;	29.63887492;	-98.47632665;
29.62376617;	-98.50918453;	29.62378357;	-98.50841240;	29.63881471;	-98.47610859;	29.63874760;	-98.47589344;
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29.62546377;	-98.50320446;	29.62561108;	-98.50296541;	29.63852787;	-98.47510141;	29.63835481;	-98.47446898;
29.62567556;	-98.50251818;	29.62580202;	-98.50207356;	29.63810271;	-98.47383315;	29.63785719;	-98.47346442;
29.62593534;	-98.50163171;	29.62607550;	-98.50126098;	29.63771842;	-98.47339400;	29.63769523;	-98.47324034;
29.62619910;	-98.50112006;	29.62624168;	-98.50089559;	29.63765033;	-98.47308426;	29.63761240;	-98.47292612;
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29.62677829;	-98.49500527;	29.62681364;	-98.49571957;	29.63777327;	-98.47087915;	29.63783479;	-98.47073706;
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29.63488909;	-98.49579167;	29.63508200;	-98.49580942;	29.63801788;	-98.46959271;	29.63863558;	-98.46864172;
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29.63566393;	-98.49581282;	29.63585807;	-98.49579734;	29.64004413;	-98.46734456;	29.64006305;	-98.46723768;
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29.63643718;	-98.49571509;	29.63656725;	-98.49570916;	29.64018694;	-98.46689782;	29.64021447;	-98.46677995;
29.63660280;	-98.49566834;	29.63681832;	-98.49561929;	29.64023487;	-98.46666073;	29.64024804;	-98.46654076;
29.63703253;	-98.49556208;	29.63724520;	-98.49549676;	29.64025391;	-98.46642060;	29.64025245;	-98.46630086;
29.63745607;	-98.49542342;	29.63766491;	-98.49534212;	29.64024368;	-98.46618211;	29.64022763;	-98.46607238;
29.63787151;	-98.49525297;	29.63807561;	-98.49515607;	29.64020641;	-98.46595224;	29.64017609;	-98.46583467;
29.63827699;	-98.49505151;	29.63847543;	-98.49493942;	29.64013882;	-98.46572023;	29.64009478;	-98.46560939;
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29.64005433;	-98.49364116;	29.64021604;	-98.49345256;	29.63944598;	-98.46472020;	29.63936522;	-98.46460059;
29.64037258;	-98.49325835;	29.64052378;	-98.49305871;	29.63929025;	-98.46447631;	29.63922131;	-98.46431142;
29.64066949;	-98.49285385;	29.64080957;	-98.49264398;	29.63914399;	-98.46416267;	29.63909746;	-98.46401695;
29.64094387;	-98.49242932;	29.64107226;	-98.49221007;	29.63904413;	-98.46387465;	29.63898416;	-98.46373617;
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29.64295946;	-98.48288554;	29.64298788;	-98.48254348;	29.63860616;	-98.46161802;	29.63864638;	-98.46151032;
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29.63774796;	-98.45779605,	29.63766774;	-98.45768818,	30.59408980;	-100.4095989,	30.59270510;	-100.4081965,
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29.64260004;	-98.43771298,	29.64291975;	-98.43714917,	30.56992575;	-100.3831684,	30.56903412;	-100.3825034,
29.64373517;	-98.43661726,	29.64460502;	-98.43613429,	30.56869570;	-100.3818753,	30.56836762;	-100.3806680,
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29.64739586;	-98.42547751,	29.64744823;	-98.42544092,	30.55615835;	-100.3689916,	30.55615400;	-100.3684000,
29.64735200;	-98.42523894,	29.64670281;	-98.42512271,	30.55590980;	-100.3664565,	30.55501792;	-100.3645846,
29.64577157;	-98.42490548,	29.64383389;	-98.42482443,	30.55401792;	-100.3627923,	30.55291407;	-100.3610873,
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29.63988608;	-98.42467085,	29.63950045;	-98.42444894,	30.54601717;	-100.3541125,	30.54440366;	-100.3530694,
29.63860425;	-98.42434763,	29.63810176;	-98.42400385,	30.54272751;	-100.3521553,	30.54099590;	-100.3513740,
29.63563145;	-98.42384346,	29.63438831;	-98.42366449,	30.53921623;	-100.3507289,	30.53739614;	-100.3502226,
29.63327767;	-98.42344810,	29.63194416;	-98.42328156,	30.53554342;	-100.3498575,	30.53366601;	-100.3496350,
29.63057539;	-98.42317802,	29.62987462;	-98.42309376,	30.53177195;	-100.3495625,	30.53035268;	-100.3495093,
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29.62650349;	-98.42381674,	29.62628478;	-98.42380056,	30.52191022;	-100.3494917,	30.51758390;	-100.3494868,
29.62583571;	-98.42363426,	29.62460210;	-98.42343286,	30.51728228;	-100.3494655,	30.51521228;	-100.3494643,
29.62310800;	-98.42323998,	29.62167707;	-98.42304744,	30.51504532;	-100.3495293,	30.51314233;	-100.3497372,
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29.61684670;	-98.42239573,	29.61610529;	-98.42175266,	30.50462838;	-100.3496829,	30.50448128;	-100.3497078,
29.61418356;	-98.42106886,	29.61214005;	-98.42082895,	30.49307201;	-100.3497264,	30.47148975;	-100.3497915,
29.61141778;	-98.42067934,	29.61099427;	-98.42057381,	30.46970040;	-100.3500000,	30.46780516;	-100.3503512,
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29.60999770;	-98.41984131,	29.60941852;	-98.41948431,	30.46224675;	-100.3522423,	30.46046283;	-100.3531429,
29.60879775;	-98.41910205,	29.60807342;	-98.41876818,	30.45872621;	-100.3541727,	30.45704433;	-100.3553271,
29.60740186;	-98.41842028,	29.60670202;	-98.41830716,	30.45542439;	-100.3566014,	30.45387331;	-100.3579900,
29.60628188;	-98.41828853,	29.60587454;	-98.41839652,	30.45239774;	-100.3594869,	30.45100400;	-100.3610858,
29.60530666;	-98.41858739,	29.60449833;	-98.41873681,	30.44969805;	-100.3627799,	30.44848547;	-100.3645618,
29.60381022;	-98.41876389,	29.60336208;	-98.41869538,	30.44737145;	-100.3664239,	30.44636077;	-100.3683584,
29.60272300;	-98.41856769,	29.60208317;		30.44545774;	-100.3703568,	30.44466624;	-100.3724106,
Figure: 4 TAC §40.6(b)(2)(R)				30.44398964;	-100.3745111,	30.44343084;	-100.3766493,
				30.44299224;	-100.3788159,	30.44267570;	-100.3810019,
				30.44248259;	-100.3831977,	30.44241373;	-100.3833054,
				30.44241356;	-100.4211769,	30.44239956;	-100.4232655,
				30.44245480;	-100.4254530,	30.44263413;	-100.4276222,
				30.44293701;	-100.4297640,	30.44336214;	-100.4318691,
				30.44390769;	-100.4339286,	30.44457133;	-100.4359336,
				30.44535023;	-100.4378756,	30.44624104;	-100.4397461,
				30.44723997;	-100.4415373,	30.44834273;	-100.4432415,
				30.44954461;	-100.4448513,	30.45084046;	-100.4463600,
				30.45222473;	-100.4477609,	30.45369151;	-100.4490481,
				30.45523452;	-100.4502161,	30.45684715;	-100.4512600,
				30.45852250;	-100.4521751,	30.46025340;	-100.4529577,
				30.46203244;	-100.4536042,	30.46385201;	-100.4541121,

(S) Surveillance Zone 19. That portion of Sutton County lying within the area described by the following latitude-longitude coordinate pairs: -100.4812107, 30.62351294; -100.4766784, 30.62401893; -100.4747603, 30.62408038; -100.4747226, 30.62408050; -100.4449845, 30.62415852; -100.4428218, 30.62410376; -100.4406301, 30.62392471; -100.4384567, 30.62362205; -100.4363109, 30.62319707; -100.4342018, 30.62265159; -100.4321385, 30.62198794; -100.4301298, 30.62120898; -100.4281844, 30.62031804; -100.4263105, 30.61931894; -100.4245163, 30.61821596; -100.4228094, 30.61701382; -100.4211970, 30.61571768; -100.4196862, 30.61433310; -100.4182834, 30.61286600; -100.4169945, 30.61132267; -100.4158251, 30.60970972; -100.4147803,

30.46570431;	-100.4544790,	30.46758141;	-100.4547034,	28.98503677;	-99.54985880,	28.98643602;	-99.55117764,
30.46947528;	-100.4547843,	30.47137782;	-100.4547215,	28.98740873;	-99.55275135,	28.98871523;	-99.55422455,
30.47328086;	-100.4545275,	30.47509013;	-100.4539130,	28.99010940;	-99.55559093,	28.99158530;	-99.55684463,
30.47936729;	-100.4539005,	30.47945343;	-100.4538376,	28.99313659;	-99.55798029,	28.99475664;	-99.55899303,
30.47985820;	-100.4535052,	30.48188829;	-100.4532190,	28.99643852;	-99.55987852,	28.99817502;	-99.56063296,
30.48336317;	-100.4530995,	30.48387047;	-100.4525533,	28.99995872;	-99.56125311,	29.00178198;	-99.56133034,
30.48608961;	-100.4521823,	30.48743815;	-100.4515528,	29.00204440;	-99.56133273,	29.00205269;	-99.56134113,
30.48926224;	-100.4507868,	30.49104677;	-100.4502451,	29.00205700;	-99.56316032,	29.00306085;	-99.56491495,
30.49209451;	-100.4505488,	30.49222515;	-100.4509297,	29.00417540;	-99.56658293,	29.00538843;	-99.56815715,
30.49239158;	-100.4553328,	30.49434605;	-100.4566410,	29.00669475;	-99.56963084,	29.00808876;	-99.57099770,
30.49495876;	-100.4609753,	30.49709719;	-100.4610213,	29.00956450;	-99.57225188,	29.01111565;	-99.57338801,
30.49711994;	-100.4610497,	30.49713402;	-100.4642991,	29.01273558;	-99.57440121,	29.01441735;	-99.57528713,
30.49874659;	-100.4643307,	30.49876226;	-100.4674004,	29.01615376;	-99.57604199,	29.01793738;	-99.57666255,
30.50028934;	-100.4705812,	30.50183564;	-100.4708096,	29.01976058;	-99.57714613,	29.02161554;	-99.57749066,
30.50194766;	-100.4709103,	30.50199773;	-100.4730119,	29.02349434;	-99.57769466,	29.02538892;	-99.57775724,
30.50304645;	-100.4747832,	30.50399480;	-100.4765759,	29.02729117;	-99.57772470,	29.02847436;	-99.57699091,
30.50509707;	-100.4782815,	30.50629849;	-100.4798928,	29.04294972;	-99.57694433,	29.04366831;	-99.57672382,
30.50759390;	-100.4802048,	30.50786526;	-100.4811328,	29.04556148;	-99.57636286,	29.04743793;	-99.57586299,
30.50868309;	-100.4823308,	30.50979558;	-100.4837332,	29.04928961;	-99.57522635,	29.05110860;	-99.57445565,
30.51126197;	-100.4850217,	30.51280462;	-100.4861911,	29.05288711;	-99.57355420,	29.05461751;	-99.57252583,
30.51441693;	-100.4862772,	30.51454559;	-100.4866978,	29.05629240;	-99.57137496,	29.05790459;	-99.57010651,
30.51517737;	-100.4881254,	30.51648543;	-100.4895279,	29.05944719;	-99.56872590,	29.06091358;	-99.56723905,
30.51795176;	-100.4908167,	30.51949436;	-100.4919862,	29.06229748;	-99.56565233,	29.06359295;	-99.56397252,
30.52110661;	-100.4930315,	30.52278163;	-100.4939480,	29.06479446;	-99.56220683,	29.06589685;	-99.56036281,
30.52451223;	-100.4947318,	30.52629102;	-100.4953796,	29.06689539;	-99.55844837,	29.06778580;	-99.55647171,
30.52811038;	-100.4958886,	30.52996252;	-100.4962566,	29.06856428;	-99.55444130,	29.06922748;	-99.55236584,
30.53183951;	-100.4963389,	30.53240340;	-100.4963417,	29.06977256;	-99.55025422,	29.07019719;	-99.54811550,
30.53242464;	-100.4963529,	30.53244371;	-100.4964511,	29.07049954;	-99.54595885,	29.07067831;	-99.54379349,
30.53261281;	-100.4973678,	30.53434340;	-100.4981518,	29.07073276;	-99.54368348,	29.07073220;	-99.54367904,
30.53612217;	-100.4987997,	30.53794151;	-100.4993088,	29.07073217;	-99.54367064,	29.07073211;	-99.54160517,
30.53979364;	-100.4996769,	30.54167062;	-100.4998941,	29.07071812;	-99.54160515,	29.07071812;	-99.52332602,
30.54346535;	-100.4998954,	30.54348042;	-100.4999047,	29.07059281;	-99.52135033,	29.07057911;	-99.52004080,
30.54349321;	-100.5005000,	30.54434266;	-100.5015456,	29.07057001;	-99.51799446,	29.07050011;	-99.51583960,
30.54601761;	-100.5024625,	30.54774816;	-100.5032467,	29.07030531;	-99.51370387,	29.06998707;	-99.51159643,
30.54952690;	-100.5038948,	30.55134622;	-100.5044041,	29.06954676;	-99.50952630,	29.06898628;	-99.50750235,
30.55319832;	-100.5047723,	30.55507529;	-100.5049980,	29.06830801;	-99.50553327,	29.06751487;	-99.50362748,
30.55696909;	-100.5050792,	30.55877167;	-100.5051018,	29.06661025;	-99.50179315,	29.06559804;	-99.50003814,
30.56121145;	-100.5056428,	30.56223238;	-100.5064272,	29.06448257;	-99.49836996,	29.06326862;	-99.49679578,
30.56401110;	-100.5070755,	30.56583041;	-100.5075849,	29.06196140;	-99.49532231,	29.06056650;	-99.49395588,
30.56768250;	-100.5079533,	30.56955946;	-100.5081790,	29.05908990;	-99.49270233,	29.05753793;	-99.49156702,
30.57145325;	-100.5082611,	30.57335576;	-100.5082612,	29.05591724;	-99.49055483,	29.05423477;	-99.48967007,
30.57338157;	-100.5082841,	30.57872056;	-100.5082827,	29.05249773;	-99.48891652,	29.05071356;	-99.48829742,
30.57911370;	-100.5082225,	30.58441892;	-100.5082469,	29.04888990;	-99.48781540,	29.04703457;	-99.48747252,
30.59493311;	-100.5081847,	30.59676084;	-100.5079790,	29.04515550;	-99.48727023,	29.04326076;	-99.48720909,
30.59865635;	-100.5076305,	30.60053616;	-100.5071406,	29.04153365;	-99.48714961,	29.00389591;	-99.48714993,
30.60239222;	-100.5065113,	30.60421659;	-100.5057455,	29.00372072;	-99.48723079,	29.00181902;	-99.48745294,
30.60600145;	-100.5048463,	30.60773915;	-100.5038175,	28.99992605;	-99.48781544,	28.99804990;	-99.48831672,
30.60942226;	-100.5026637,	30.61104356;	-100.5013897,	28.99619861;	-99.48895463,	28.99438011;	-99.48972642,
30.61259610;	-100.5000011,	30.61407324;	-100.4985036,	28.99260219;	-99.49062880,	28.99087244;	-99.49165788,
30.61546864;	-100.4969038,	30.61677632;	-100.4952085,	28.98919828;	-99.49280926,	28.98758687;	-99.49407800,
30.61799069;	-100.4934249,	30.61910653;	-100.4915607,	28.98604510;	-99.49545867,	28.98457959;	-99.49694535,
30.62011907;	-100.4896239,	30.62102397;	-100.4876228,	28.98319659;	-99.49853168,	28.98190203;	-99.50021086,
30.62181735;	-100.4855660,	30.62249581;	-100.4834622,	28.98070145;	-99.50114533,	28.98009924;	-99.50172517,
30.62305643; and	-100.4813205,	30.62349683.		28.97973912;	-99.50255555,	28.97923985;	-99.50439850,

Figure: 4 TAC §40.6(b)(2)(S)

(T) Surveillance Zone 20. That portion of Zavala County lying within the area described by the following latitude-longitude coordinate pairs: -99.52095362, 28.97441019; -99.52311623, 28.97448068; -99.52526898, 28.97467535; -99.52740265, 28.97499337; -99.52950812, 28.97543339; -99.53157637, 28.97599353; -99.53359857, 28.97667138; -99.53556604, 28.97746404; -99.53747039, 28.97836813; -99.53930344, 28.97937978; -99.54079805, 28.98031998; -99.54725024, 28.98462158; -99.54750957, 28.98479625; -99.54785821,

Figure: 4 TAC §40.6(b)(2)(T)

(U) Surveillance Zone 21. That portion of Frio County lying within the area described by the following latitude-longitude coordinate pairs: -99.10947651, 28.69215145; -99.11163256, 28.69222899; -99.11377824, 28.69243067; -99.11590438,

28.69275562;	-99.11800189,	28.69320245;	-99.12006179,	28.69504554;	-99.09683738,	28.69427447;	-99.09886308,
28.69376926;	-99.12207526,	28.69445361;	-99.12403368,	28.69361879;	-99.10093306,	28.69308130;	-99.10303845,
28.69525258;	-99.12592869,	28.69616275;	-99.12659659,	28.69266429;	-99.10517025,	28.69236957;	-99.10731933,
28.69651843;	-99.12668014,	28.69656412;	-99.12676773,	28.69219837;	-99.10947651,	28.69215145.	
28.69660349;	-99.12850325,	28.69744239;	-99.13032677,	Figure: 4 TAC §40.6(b)(2)(U)			
28.69845983;	-99.13140943,	28.69914300;	-99.13209387,	(c) Containment Zone (CZ) Requirements:			
28.69945609;	-99.13322398,	28.69999795;	-99.13329078,	(1) Movement. No exotic CWD susceptible species may			
28.70003149;	-99.13336135,	28.70005836;	-99.13510257,	be transported outside the CZ unless from a certified herd as established			
28.70077519;	-99.13699779,	28.70168519;	-99.13882148,	through §40.3 (relating to CWD Herd Certification Program) of this			
28.70270251;	-99.14003655,	28.70346643;	-99.14007660,	chapter.			
28.70349283;	-99.14012119,	28.70351279;	-99.14190599,	(2) Released Animals. No exotic CWD susceptible species			
28.70437350;	-99.14372978,	28.70539075;	-99.14391923,	may be released within the CZ outside a high fence premises.			
28.70551213;	-99.14539722,	28.70594455;	-99.14585189,	(3) Testing. All exotic CWD susceptible species, 12			
28.70608083;	-99.14786580,	28.70676477;	-99.14982468,	months of age or older, that are hunter harvested shall be tested for			
28.70756334;	-99.15172017,	28.70847313;	-99.15354414,	CWD within seven days using an official CWD test. Unless the whole			
28.70949024;	-99.15528879,	28.71061032;	-99.15694666,	head is submitted for testing, postmortem tissue samples must be			
28.71182857;	-99.15851063,	28.71313979;	-99.15997403,	collected and prepared by a state or federal animal health official,			
28.71453387;	-99.16133057,	28.71601831;	-99.16257445,	an accredited veterinarian, or a certified CWD postmortem sample			
28.71757328;	-99.16370035,	28.71919663;	-99.16470342,	collector. No part of a carcass of an exotic CWD susceptible species,			
28.72088142;	-99.16557939,	28.72262042;	-99.16632448,	either killed or found dead may be removed from the CZ unless			
28.72440620;	-99.16693550,	28.72623111;	-99.16740983,	postmortem tissue samples have been collected and tested using an			
28.72808734;	-99.16774543,	28.72996695;	-99.16794085,	official CWD test and it is transported in accordance with subsection			
28.73186187;	-99.16799525,	28.73376401;	-99.16790840,	(e) of this section. The results and laboratory report shall be provided			
28.73566521;	-99.16768064,	28.73755734;	-99.16731295,	to the commission within 14 days of receiving the test results by			
28.73943229;	-99.16680690,	28.74128203;	-99.16616464,	mail to Texas Animal Health Commission, CWD Susceptible Species			
28.74309864;	-99.16538893,	28.74487433;	-99.16448306,	Reporting, P.O. Box 12966, Austin, Texas 78711-2966; by fax to (512)			
28.74660151;	-99.16345093,	28.74827276;	-99.16229694,	719-0729; or by email to CWD reports@tahc.texas.gov.			
28.74988094;	-99.16102603,	28.75141915;	-99.15964364,	(4) Carcass Movement Restrictions. No part of a carcass			
28.75288080;	-99.15843742,	28.75401215;	-99.14737087,	of a CWD susceptible species, either killed or found dead, within the			
28.76385008;	-99.13313233,	28.77650664;	-99.13284766,	CZ may be removed from the CZ unless it is in accordance with the			
28.77675657;	-99.13125982,	28.77804637;	-99.12957959,	requirements of subsection (e) of this section.			
28.77924189;	-99.12781417,	28.78033801;	-99.12597112,	(5) Escaped Animals. Any escaped exotic CWD suscepti-			
28.78133003;	-99.12405834,	28.78221370;	-99.12208401,	ble species which originated or resided in a CZ shall be captured and			
28.78298524;	-99.12005661,	28.78364133;	-99.11798482,	returned to the high fence premises of origin.			
28.78417916;	-99.11587752,	28.78459644;	-99.11374373,	(6) Herd Plans. Facilities and associated properties in the			
28.78489136;	-99.11159261,	28.78506268;	-99.10943338,	CZ that have been issued a herd plan shall operate in accordance with			
28.78510964;	-99.10727528,	28.78503206;	-99.10512757,	the herd plan requirements as determined by the commission.			
28.78483026;	-99.10299946,	28.78450511;	-99.10090005,	(7) Identification. All exotic CWD susceptible species re-			
28.78405800;	-99.09883836,	28.78349085;	-99.09682322,	leased in a CZ shall be identified with a visible official identification			
28.78280609;	-99.09486325,	28.78200665;	-99.09296687,	device, which may include an eartag that conforms to the USDA al-			
28.78109597;	-99.09149583,	28.78028691;	-99.09125380,	phanumeric National Uniform Eartagging System or an animal identi-			
28.78014587;	-99.09090016,	28.77993690;	-99.08929360,	fication number (AIN), which may include a RFID device. If a CWD			
28.77891066;	-99.07971469,	28.77239504;	-99.07957611,	susceptible species is released into a high fence premises, the animal			
28.77230024;	-99.07816804,	28.77127527;	-99.07498786,	shall retain the acceptable official identification.			
28.76882661;	-99.07453642,	28.76847900;	-99.07108466,	(d) Surveillance Zone (SZ) Requirements:			
28.76582097;	-99.07083483,	28.76562661;	-99.06927120,	(1) Movement. Prior to the movement of an exotic CWD			
28.76431426;	-99.06780836,	28.76291459;	-99.06718210,	susceptible species outside an SZ or from one premises in the SZ to			
28.76224126;	-99.06683123,	28.76197652;	-99.06632774,	another premises within the SZ, the premises of origin shall have an			
28.76158877;	-99.06476423,	28.76027637;	-99.06330151,	epidemiological risk assessment conducted by the commission.			
28.75887665;	-99.06194586,	28.75739561;	-99.06070308,	(2) Released Animals. No exotic CWD susceptible species			
28.75583961;	-99.05957848,	28.75421530;	-99.05857687,	may be released within the SZ outside a high fence premises.			
28.75252964;	-99.05770255,	28.75078986;	-99.05695925,	(3) Testing. All exotic CWD susceptible species, 12			
28.74900341;	-99.05635014,	28.74717794;	-99.05587784,	months of age or older, that are hunter harvested shall be tested for			
28.74532127;	-99.05554434,	28.74344135;	-99.05535108,	CWD within seven days using an official CWD test. Unless the whole			
28.74154623;	-99.05529887,	28.73964404;	-99.05538793,	head is submitted for testing, postmortem tissue samples must be			
28.73774291;	-99.05561786,	28.73585099;	-99.05598768,	collected and prepared by a state or federal animal health official,			
28.73397637;	-99.05649580,	28.73212709;	-99.05714003,	an accredited veterinarian, or a certified CWD postmortem sample			
28.73031105;	-99.05791760,	28.72853605;	-99.05882518,	collector. No part of a carcass of an exotic CWD susceptible species,			
28.72680966;	-99.05985888,	28.72513928;	-99.06101426,				
28.72353207;	-99.06228639,	28.72199490;	-99.06366980,				
28.72053435;	-99.06483003,	28.71944545;	-99.08575213,				
28.70078859;	-99.08608054,	28.70049975;	-99.08766772,				
28.69921058;	-99.08934708,	28.69801568;	-99.09111144,				
28.69692015;	-99.09295325,	28.69592869;	-99.09486463,				

either killed or found dead may be removed from the SZ unless postmortem tissue samples have been collected and tested using an official CWD test and it is transported in accordance with subsection (e) of this section. The results and laboratory report shall be provided to the commission within 14 days of receiving the test results by mail to Texas Animal Health Commission, CWD Susceptible Species Reporting, P.O. Box 12966, Austin, Texas 78711-2966; by fax to (512) 719-0729; or by email to CWD_reports@tahc.texas.gov.

(4) Carcass Movement Restrictions. No part of a carcass of a CWD susceptible species, either killed or found dead, within the SZ may be removed from the SZ unless it is in accordance with the requirements of subsection (e) of this section.

(5) Escaped Animals. Any escaped exotic CWD susceptible species which originated or resided in an SZ shall be captured and returned to the high fence premises of origin.

(6) Herd Plans. Facilities and associated properties in the SZ that have been issued a herd plan shall operate in accordance with the herd plan requirements as determined by the commission.

(7) Identification. All exotic CWD susceptible species released in an SZ shall be identified with a visible official identification device, which may include an eartag that conforms to the USDA alphanumeric National Uniform Eartagging System or an animal identification number (AIN), which may include a RFID device. If a CWD susceptible species is released into a high fence premises, the animal shall retain the acceptable official identification.

(e) Carcass Movement Restrictions:

(1) No person shall transport or cause the transport of any part of a CWD susceptible species from a property within a CZ or SZ unless:

(A) meat has been cut up and packaged (boned or filleted);

(B) a carcass has been reduced to quarters with no brain or spinal tissue present;

(C) a cleaned hide (skull and soft tissue must not be attached or present);

(D) a whole skull (or skull plate) with antlers attached, provided the skull plate has been completely cleaned of all soft tissue;

(E) finished taxidermy products;

(F) cleaned teeth; or

(G) tissue prepared and packaged for delivery to and use by a diagnostic or research laboratory with results accessible to the commission.

(2) A CWD susceptible species harvested in a CZ or SZ may be transported from the CZ or SZ, provided it is accompanied by a TPWD-issued check-station receipt, which is required during the operation of the mandatory TPWD check-stations in the CZ or SZ, and that receipt shall remain with the CWD susceptible species until it reaches the possessor's permanent residence, a processing facility for final processing, or another location as permitted by the commission on a VS Form 1-27.

(3) The skinned or unskinned head of a CWD susceptible species from a CZ or SZ may be transported to a taxidermist for taxidermy purposes, provided all brain material, soft tissue, spinal column, and any unused portions of the head are disposed of by the taxidermist in a landfill permitted by the Texas Commission on Environmental Quality.

(f) The executive director may authorize movement. If movement is necessary or desirable to promote the objectives of this chapter or to minimize the economic impact of the restricted CWD susceptible species without endangering those objectives or the health and safety of other CWD susceptible species within the state, the executive director may authorize movement in a manner that creates minimal risk to the other CWD susceptible species in the state.

(g) A commission representative shall annually review the movement restriction zones and recommend to the commission whether to modify or rescind the zones.

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 January 26, 2024.

TRD-202400308

Jeanine Coggeshall

General Counsel

Texas Animal Health Commission

Effective date: February 15, 2024

Proposal publication date: September 22, 2023

For further information, please call: (512) 839-0511



CHAPTER 56. GRANTS, GIFTS, AND DONATIONS

4 TAC §§56.1 - 56.7

The Texas Animal Health Commission (commission) in a duly noticed meeting on January 23, 2024, adopted amendments to Title 4, Texas Administrative Code, Chapter 56 titled "Grants, Gifts, and Donations." Chapter 56 is adopted without changes to the proposed text published in the September 1, 2023, issue of the *Texas Register* (48 TexReg 4725) and will not be republished.

JUSTIFICATION FOR RULE ACTION

The commission adopts amendments to Chapter 56 to update the rule language to reflect the current preferred terminology, for ease of use and readability, and to bring the requirements of gift acceptance in better alignment with statutory requirements. The chapter sets forth rules and guidelines by which the commission may accept and solicit gifts. The chapter also includes standards of conduct on how commissioners and employees must conduct themselves when dealing with private donors.

HOW THE RULES WILL FUNCTION

Section 56.1 states the purpose of Chapter 56 is to establish rules for accepting gifts and for governing conduct between private donors and the commission. The amendments update rule language to reflect current preferred commission terminology.

Section 56.2 defines terms used within the chapter. The amendments add definitions for "Commissioner" and "Executive director." The amendments clarify the definition of "Private donor" and remove the definition of "Officer."

Section 56.3 outlines rules for accepting donations. The amendments clarify the responsibilities of the executive director and when donations must be acknowledged by a majority of the commissioners in an open meeting. The amendments are designed

to bring this section into better alignment with Chapter 575 of the Texas Government Code.

Section 56.4 specifies when the commission may solicit gifts. The amendments move the reporting requirement to Section 56.3 to clarify that the requirement applies to all accepted grants, gifts, or donations.

Section 56.5 details what type of donations may be made to the commission. The amendments update rule language for readability and clarifies that donations may be for any amount and with or without restrictions.

Section 56.6 outlines standards of conduct between commissioners, employees, and private donors. The amendments update rule language to reflect current preferred commission terminology.

Finally, Section 56.7 prohibits acceptance of gifts from a party in a contested case. The amendments update rule language for readability.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended October 1, 2023.

During this period, the commission did not receive comments regarding the proposed rule.

STATUTORY AUTHORITY

The amendments are adopted under §161.0311 of the Texas Agriculture Code which provides that the commission may solicit and accept gifts, grants, and donations for purposes consistent with Chapter 161.

The amendments are adopted under the Texas Agriculture Code, Chapter 161, §161.046 which authorizes the commission to promulgate rules in accordance with the Texas Agriculture Code.

The amendments conform to the requirements contained in Chapter 575 of the Texas Government Code, relating to Acceptance of Gift by State Agency. The amendments conform to the requirements contained in §2204.002 of the Texas Government Code, relating to restrictions on real property gifts.

The proposed rules for adoption in this chapter do not affect other statutes, articles, or codes.

The commission certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the commission's legal authority.

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 January 26, 2024.

TRD-202400307

Jeanine Coggeshall

General Counsel

Texas Animal Health Commission

Effective date: February 15, 2024

Proposal publication date: September 1, 2023

For further information, please call: (512) 839-0511



TITLE 16. ECONOMIC REGULATION

PART 3. TEXAS ALCOHOLIC BEVERAGE COMMISSION

CHAPTER 33. LICENSING

SUBCHAPTER E. EVENTS AT A TEMPORARY LOCATION

16 TAC §§33.70 - 33.72, 33.76, 33.77, 33.81

The Texas Alcoholic Beverage Commission (TABC) adopts amendments to 16 TAC §§33.70 - 33.72, 33.76, 33.77, and 33.81, relating to Events at a Temporary Location. The amendments are adopted without changes to the proposed text as published in the December 1, 2023, issue of the *Texas Register* (48 TexReg 6984). The amended rules will not be republished.

REASONED JUSTIFICATION. The amendments are necessary to implement legislation. Senate Bill 926 (88th Regular Session) authorized the temporary sale of wine and malt beverages by a mixed beverage permit holder in certain high-capacity facilities that are open to the public during certain motor vehicle racing events. Senate Bill 1375 (88th Regular Session) authorized a distiller's and rectifier's permit holder to conduct samplings or tastings at certain temporary events. Sections 71, 112, 122, 128, and 247 of House Bill 1545 (86th Regular Session) authorized various permit holders to sell different alcoholic beverages at certain temporary events. These bills all required TABC to adopt implementing rules.

The amendments to §§33.72, 33.77(f), and 33.81 implement SB 926 by: (1) acknowledging that mixed beverage permittees may sell wine and malt beverages for more than four consecutive days at an authorized temporary event, as provided in Alcoholic Beverage Code §28.20(c); (2) clarifying the recordkeeping and reporting obligations of mixed beverage permittees who sell wine or malt beverages in a county other than the county in which the temporary event premises is located, consistent with Alcoholic Beverage Code §28.20(e); (3) clarifying that if an authorized temporary event is held in a county that includes more than one territory, as that term is defined by Alcoholic Beverage Code §102.71(5), the mixed beverage permittee must purchase malt beverages from the distributor holding the territorial agreement covering the temporary event location; and (4) clarifying that if an authorized temporary event is held in a county other than the county in which the mixed beverage permit holder's premises is located, the mixed beverage permittee must purchase wine from a wholesaler authorized to sell wine in the county covering the temporary event location.

The amendments to §§33.70, 33.71, 33.76, and 33.77(d) implement SB 1375 and HB 1545 by: (1) changing the scope and applicability of Chapter 33, Subchapter E to include temporary events conducted under Chapter 14 of the Alcoholic Beverage Code; (2) acknowledging that certain temporary events are eligible for File and Use Notification even if sponsored by a distiller's and rectifier's permittee or winery permittee; (3) providing that distilled spirits samplings or tastings at temporary events conducted in accordance with Alcoholic Beverage Code §14.09 may be conducted using File and Use Notification, without the need to obtain prior approval from the Commission; and (4) clarifying the requirements to verify the wet/dry status of the governing jurisdiction where the temporary event will be held.

SUMMARY OF COMMENTS. TABC received one comment from the Texas Distilled Spirits Association supporting the amendments to §33.71.

COMMENT: The commenter supports the proposed changes to §33.71, which allow distillers to "conduct distilled spirits sampling or tasting at a civic or distilled spirits festival, farmers' market celebration or similar event...without obtaining prior approval...by submitting a notice on forms provided by the commission." The commenter states that "[b]ecause a distiller cannot sell bottles at these temporary events, TDSA agrees that notifying the commission, without needing prior approval, is the best solution for participating in temporary events."

AGENCY RESPONSE: TABC appreciates the comment.

STATUTORY AUTHORITY. TABC adopts the amendments under §§5.31, 14.09(g), 16.12(c), 25.16(c), 28.19(c), 28.20(g), 32.25(d), and 69.18(c) of the Alcoholic Beverage Code. Section 5.31 authorizes TABC to prescribe and publish rules necessary to carry out the provisions of the Alcoholic Beverage Code. Section 14.09(g) requires TABC to adopt rules to implement distilled spirits sampling at temporary events. Section 28.20(g) requires TABC to adopt rules implementing temporary sales at certain racing facilities. Sections 16.12(c), 25.16(c), 28.19(c), 32.25(d), and 69.18(c) require TABC to adopt rules implementing temporary sales by various permittees at a temporary event location.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Matthew Cherry
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Texas Alcoholic Beverage Commission

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For further information, please call: (512) 206-3491



CHAPTER 41. AUDITING SUBCHAPTER B. RECORDKEEPING & REPORTS

16 TAC §41.25

The Texas Alcoholic Beverage Commission (TABC) adopts an amendment to rule 16 TAC §41.25, relating to Providing Retailer Samples: Distiller's and Rectifier's Permit. The amendment is adopted without changes to the proposed text as published in the December 1, 2023, issue of the *Texas Register* (48 TexReg 6987). The amended rule will not be republished.

REASONED JUSTIFICATION. The amendment is necessary to implement new legislation and provide clarity for impacted permittees. Senate Bill 1375 (88th Regular Session) authorized a distiller's and rectifier's permit holder to conduct samplings or tastings at certain temporary events. The amendment to §41.25 implements SB 1375 by acknowledging that a distiller's and rectifier's permit holder may conduct samplings or tastings consistent with SB 1375 and clarifies that samples of distilled spirits taken

from a distiller's inventory for such events qualify as a first sale for purposes of excise tax payments under Alcoholic Beverage Code §§201.02 and 201.03. A conforming change is also made to the rule's title.

SUMMARY OF COMMENTS. TABC received one comment from the Texas Distilled Spirits Association supporting the amendment to §41.25.

COMMENT: The commenter supports the proposed changes to §41.25 and states that they "believe that allowing Texas distillers to bring their own manufactured products from their inventory matches the legislative intent of SB 1375."

AGENCY RESPONSE: TABC appreciates the comment.

STATUTORY AUTHORITY. TABC adopts the amendment under §§5.31 and 14.09(g) of the Alcoholic Beverage Code. Section 5.31 provides that TABC may prescribe and publish rules necessary to carry out the provisions of the Alcoholic Beverage Code. Section 14.09(g) provides that TABC shall adopt rules to implement distilled spirits samplings or tastings at temporary events.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 45. MARKETING PRACTICES SUBCHAPTER F. ADVERTISING AND PROMOTION

16 TAC §45.117

The Texas Alcoholic Beverage Commission (TABC) adopts an amendment to rule 16 TAC §45.117, relating to Gifts and Advertising Specialties. The amendment is adopted without changes to the proposed text as published in the December 1, 2023, issue of the *Texas Register* (48 TexReg 6988). The amended rules will not be republished.

REASONED JUSTIFICATION. The amendment to §45.117 allows TABC to increase or decrease the total amount of advertising specialties furnished to a retailer under §102.07(b) of the Alcoholic Beverage Code by order of the executive director instead of through formal rulemaking. The amendment does not change the total amount of advertising specialties currently allowed under law. Rather, it aligns the process for setting the amount with the process contemplated in §102.07(b), which specifically states that the executive director may change the amount not more than once a year. Under the amendment, any order issued by the executive director must be published in the *Texas Register* and on the agency's website.

SUMMARY OF COMMENTS. TABC did not receive any comments on the proposed amendment.

STATUTORY AUTHORITY. TABC adopts the amendment under §5.31 of the Texas Alcoholic Beverage Code. Section 5.31 provides that TABC may prescribe and publish rules necessary to carry out the provisions of the Texas Alcoholic Beverage Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 50. ALCOHOLIC BEVERAGE SELLER SERVER AND DELIVERY DRIVER TRAINING

SUBCHAPTER B. MANDATORY CURRICULUM AND COURSE OF INSTRUCTION

16 TAC §50.3

The Texas Alcoholic Beverage Commission (TABC) adopts an amendment to rule 16 TAC §50.3, relating to Mandatory Course Curriculum. The amendment is adopted without changes to the proposed text as published in the December 1, 2023, issue of the *Texas Register* (48 TexReg 6989). The amended rule will not be republished. TABC declines to adopt changes to 16 TAC §§50.4-50.6 and 50.29, relating to Alcoholic Beverage Seller Server and Delivery Driver Training, as proposed in the same issue of the *Texas Register*.

REASONED JUSTIFICATION. The amendment to §50.3(f) eliminates outdated references to the process TABC used to develop the original mandatory course curriculum for seller server training. The amendment also simplifies the process for updating the curriculum by allowing TABC's executive director or their designee to update the curriculum as needed and requires the agency to post notice of any such changes on its website and in the *Texas Register*.

SUMMARY OF COMMENTS. TABC did not receive any comments on the proposed amendment to §50.3. TABC did receive a comment from the Texas Restaurant Association opposing the proposed amendments to §§50.4 - 50.6 and 50.29, which increased the minimum minutes of active instruction and student participation in the seller server training course curriculum from 120 to 140 minutes to account for the inclusion of training on the signs and symptoms of an opioid-related drug overdose and the administration of an opioid antagonist. The opioid-related training is mandated for certain permittees and licensees under Senate Bill 998 (88th Regular Session).

COMMENT: The commenter opposes the inclusion of opioid-related training in the agency's seller server training and suggests that the proposed amendments to §§50.4 - 50.6 and 50.29 were

based on a filed version of SB 998, which did not exempt restaurants from the opioid-related training requirements, rather than the final version of the bill, which did contain such an exemption.

AGENCY RESPONSE: TABC disagrees with the commenter's suggestion that the proposed amendments to §§50.4 - 50.6 and 50.29 were not based on the final version of SB 998. TABC staff closely reviewed the passed version of SB 998 before drafting the proposed amendments. Nevertheless, TABC accepts the commenter's suggestion that opioid-related training not be included in the agency's seller server training. Instead, the opioid-related training will be offered as a standalone course. As such, TABC will not proceed with the adoption of the proposed amendments to §§50.4 - 50.6 and 50.29.

STATUTORY AUTHORITY. TABC adopts the amendment under §§5.31 and 106.14(b) of the Alcoholic Beverage Code. Section 5.31 provides that TABC may prescribe and publish rules necessary to carry out the provisions of the Alcoholic Beverage Code. Section 106.14(b) requires TABC to adopt rules or policies establishing the minimum requirements for approved seller training programs.

CERTIFICATION. The amendment, as adopted, has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 1. AGENCY ADMINISTRATION

SUBCHAPTER K. FORMULA ADVISORY COMMITTEE - COMMUNITY AND TECHNICAL COLLEGES

19 TAC §§1.156 - 1.163

The Texas Higher Education Coordinating Board (Coordinating Board) adopts the repeal of Title 19, Part 1, Chapter 1, Subchapter K, §§1.156 - 1.163, Formula Advisory Committee - Community and Technical Colleges, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5882). The rules will not be republished.

Rules 1.156 - 1.163 concern the establishment of the advisory committee, including the authority and purpose for the committee and its membership, duration, meetings, assigned tasks, and

other matters related to formula funding for the community and technical colleges sector.

The Coordinating Board repeals this subchapter to replace it with new language establishing the Standing Advisory Committee for Public Junior Colleges, in accordance with changes made by Tex. H.B. 8, 88th Leg., R.S. (2023). The Coordinating Board also intends to adopt new rules continuing the representation of technical colleges and state colleges in a different advisory committee and transferring the Report of Fundable Operating Expenses provision to a different chapter of Texas Administrative Code (TAC).

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.059(b)-(b-1), which provides the Coordinating Board with the authority to establish advisory committees consisting of cross-institutional representatives to study and recommend changes in formula funding.

The adopted repeal affects Texas Education Code, Sections 61.059(b)-(b-1) and 130.001(b).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER K. STANDING ADVISORY COMMITTEE: PUBLIC JUNIOR COLLEGES

19 TAC §§1.156 - 1.162

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 1, Subchapter K, §§1.156 - 1.162, Standing Advisory Committee for Public Junior Colleges, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5883). The rules will not be republished.

These new sections establish the Standing Advisory Committee for Public Junior Colleges, in accordance with statutory changes made by Tex. H.B. 8, 88th Leg., R.S. (2023).

Rule 1.156 establishes the statutory authority for the new standing advisory committee, which comes from Texas Education Code (TEC), §§130.001(b)(5) and 130A.005. It also states the purposes of the new standing advisory committee are to provide advice and counsel regarding the funding of public junior colleges, as required by H.B. 8, as well as regarding financial incentives to achieve the goals of the state's higher education plan, as described in TEC, §61.051. The committee may also perform other duties as assigned by the Board or Commissioner, in keeping with TEC, §61.026.

Rule 1.157 contains definitions for common terms used in this subchapter. These definitions parallel definitions used in the TEC and in other parts of the Texas Administrative Code and provide clarity to the reader by distinguishing between the governing board and the agency as a whole.

Rule 1.158 states the membership requirements of the new standing committee and appointment process. The membership requirements are designed to ensure the committee consists of members who have appropriate subject-matter knowledge and who can represent the interests of a broad cross-section of the public junior college sector. The rule caps the number of members on the advisory committee at 12, below the maximum number required by Texas Government Code, §2110.002.

Rule 1.159 states that the committee may continue until September 1, 2027, a four-year period consistent with requirements for the duration of advisory committees contained in Texas Government Code, §2110.008.

Rule 1.160 states that the committee shall meet at least once per quarter and that the presiding officer may call special meetings.

Rule 1.161 stipulates the tasks assigned to the committee, which include providing counsel to the Board and Commissioner on the administration of the public junior college finance program as enacted in TEC, Chapter 130A; studying and making recommendations for the modifications of formula funding or other components of the finance program; identifying funding incentives to accomplish the objectives in the state's strategic plan for higher education; and other charges as devised by the Board or Commissioner.

Rule 1.162 requires the committee to provide recommendations to the Commissioner on policies and rules pertaining to the Public Junior College Finance Program. The timing of these recommendations are based on a schedule determined by the Commissioner in order to inform recommendations to the Board.

No comments were received regarding the adoption of the new rules.

The new sections are adopted under Texas Education Code, Section 130.001(b), which provides the Coordinating Board with the authority to establish a standing advisory committee composed of representatives of public junior colleges to provide advice and counsel with respect to the funding of public junior colleges.

The adopted new sections affect Texas Education Code, §§61.026 and 130.001(b), and Texas Government Code, Chapter 2110.

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SUBCHAPTER L. FORMULA ADVISORY COMMITTEE - GENERAL ACADEMIC INSTITUTIONS, TECHNICAL COLLEGES, AND STATE COLLEGES

19 TAC §§1.164 - 1.167

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 1, Subchapter L, §§1.164 - 1.167, Formula Advisory Committee - General Academic Institutions without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5885). The rules will not be republished.

This amendment adds public technical colleges and public state colleges to the existing General Academic Institutions Formula Advisory Committee (GAIFAC), ensuring that those institutions will continue to have representation on formula advisory committees established under Texas Education Code (TEC), §61.059(b)-(b-1), following their removal from the committee for community colleges.

Rules 1.164 - 1.167 make conforming changes to the Texas Administrative Code reflecting the decision to include the technical colleges and state colleges in the existing GAIFAC. Rule 1.165 updates the definitions to more accurately reflect the terms used in Texas Education Code chapter 61 and these rules.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 61.059(b)-(b-1), which provides the Coordinating Board with the authority to establish advisory committees consisting of cross-institutional representatives to study and recommend changes in formula funding.

The adopted amendment affects Texas Education Code, Sections 61.059(b)-(b-1) and 130.001(b).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 2. ACADEMIC AND WORKFORCE EDUCATION

SUBCHAPTER E. APPROVAL PROCESS FOR NEW BACCALAUREATE PROGRAMS AT PUBLIC JUNIOR COLLEGES

19 TAC §2.87

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Texas Administrative Code, Title 19, Part 1, Chapter 2, Subchapter E, §2.87, concerning approval of baccalaureate degrees at public junior colleges, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5887). The rule will not be republished.

Texas Education Code, §130.305, provides that a public junior college that offers a baccalaureate degree must meet all the accreditation requirements of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). The adopted amendment authorizes a public junior college that is authorized to offer a baccalaureate degree the ability to change accreditors if it has already been approved by the Southern Association of Colleges and Schools Commission on Colleges thereby demonstrating compliance with SACSCOC accreditation requirements. This amendment aligns with Texas Education Code, §61.051 and §61.003(13), which provides the Coordinating Board with authority to coordinate higher education and designate recognized accreditation organizations.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Education Code, Sections 61.051 and 61.003(13) and 130.305, which provides the Coordinating Board with authority to coordinate higher education and designate recognized accreditation organizations.

The adopted amendment affects Texas Education Code, Sections 61.051 and 61.003(13), 130.305.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER J. APPROVAL OF DISTANCE EDUCATION FOR PUBLIC INSTITUTIONS

19 TAC §2.202

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 2, Subchapter J, §2.202, Definitions, with changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5887). The rule will be republished.

The adopted amendment corrects the definition of Hybrid Program to better align with the overall definition of Distance Education Degree or Certificate Program that went into effect May 18, 2023.

Rule 2.202, Definitions, provides the meanings of terms used in the subchapter, including definitions for 100-Percent Online

Course, Hybrid Course, 100-Percent Online Program, and Hybrid Program. These definitions were effective May 18, 2023, and brought Coordinating Board rules in closer alignment with standard practices in the industry.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 61.0512(g), which provides the Coordinating Board with the authority to approve distance learning courses offered by institutions of higher education.

The adopted amendment affects Texas Education Code §61.0512(g).

§2.202. *Definitions.*

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. The definitions in 19 TAC, Chapter 2, Subchapter A, §2.3, apply for this subchapter unless a more specific definition for the same term is indicated in this rule.

(1) Credit course--A college-level course that, if successfully completed, can be applied toward the number of courses required for achieving an academic or workforce degree, diploma, certificate, or other formal award.

(2) Distance Education--The formal educational process that occurs when students and instructors are in separate physical locations for the majority (more than 50 percent) of instruction.

(3) Distance Education Course--A course in which a majority (more than 50 percent) of the instruction occurs when the student(s) and instructor(s) are in separate physical locations. The definition of distance education course does not include courses with 50 percent or less instruction when the student(s) and instructor(s) are in separate physical locations. Two categories of distance education courses are defined:

(A) 100-Percent Online Course--A distance education course in which 100 percent of instructional activity takes place when the student(s) and instructor(s) are in separate physical locations. Requirements for on-campus or in-person orientation, testing, academic support services, internships/fieldwork, or other non-instructional activities do not exclude a course from this category.

(B) Hybrid Course--A distance education course in which more than 50 percent but less than 100 percent of instructional activity takes place when the student(s) and instructor(s) are in separate physical locations.

(4) Distance Education Degree or Certificate Program--A program in which a student may complete a majority (more than 50 percent) of the credit hours required for the program through distance education courses. The definition of a Distance Education Degree or Certificate Program does not include programs in which 50 percent or less of the required credit hours are offered through distance education. Two categories of distance education programs are defined:

(A) 100-Percent Online Program--A degree program in which students complete 100 percent of the credit hours required for the program through 100-Percent Online Courses. Requirements for on-campus or in-person orientation, testing, academic support services, internships/fieldwork, or other non-instructional activities do not exclude a program from this category.

(B) Hybrid Program--A degree program in which students complete more than 50 percent but less than 100 percent of

the credit hours required for the program through Distance Education Courses.

(5) Institutional Accreditor--A federally recognized institutional accreditor approved by the Department of Education under 20 U.S.C. §1099b.

(6) Institutional Plan for Distance Education ("Plan" or "IPDE")--A plan that an institution must submit for Coordinating Board approval prior to offering a distance education program for the first time. Each institution shall periodically update its plan on a schedule as specified in §2.205 of this subchapter.

(7) Principles of Good Practice for Distance Education--Standards and criteria for distance education delivered by Texas public institutions. This document is reviewed and adopted by the Board every three years in accordance with §2.204 of this subchapter. This document is also known as "Principles of Good Practice for Academic Degree and Certificate Programs and Credit Courses Offered at a Distance."

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 4. RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §4.9

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 4, Subchapter A, §4.9, Limitations on the Number of Courses that May be Dropped Under Certain Circumstances by Undergraduate Students, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5889). The rules will not be republished.

This amendment excludes institutions from counting courses a student dropped while enrolled in a previously completed baccalaureate degree program or while enrolled in dual credit courses as a high school student.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Education Code, Section 61.051, which provides the board with authority to coordinate higher education.

The adopted amendment affects Texas Education Code, Section 61.051.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER J. ACCREDITATION

19 TAC §4.191, §4.192

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter J, §4.191 and §4.192, concerning recognized institutional accreditor, §4.191 without changes and §4.192 with changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5890). The changes to the proposed text include non-substantive changes including updating accreditor names to be more accurate and reordering the list of accreditors. Section 4.192 will be republished.

This new section identifies Coordinating Board recognized accrediting organizations. The Board selected the proposed accrediting agencies because these are the accrediting agencies that were the historic regional accreditors and those from which most Texas institutions of higher education would be likely to seek accreditation.

Subchapter J, Accreditation, aligns with Texas Education Code §61.051 and §61.003(13) which provides the Coordinating Board with authority to coordinate higher education and designate recognized accreditation organizations. The new language supports the US Department of Education's decision to allow regional accrediting organizations to accredit institutions anywhere in the country.

No comments were received regarding the adoption of the new sections.

The new sections are adopted under Texas Education Code, Sections 61.051 and 61.003(13) which provide the board with authority to coordinate higher education and designate recognized accreditation organizations.

The adopted new sections affect Texas Education Code Sections 61.051 and §61.003(13).

§4.192. *Recognized Accrediting Organizations.*

(a) The board recognizes institutions of higher education that offer an associate degree or higher, by one of the following organizations:

- (1) Accrediting Commission for Community and Junior Colleges (ACCJC);
- (2) Higher Learning Commission (HLC);
- (3) Middle States Commission on Higher Education (MSCHE);

(4) New England Commission of Higher Education (NECHE);

(5) Northwest Commission of Colleges and Universities (NWCCU);

(6) Southern Association of Colleges and Schools Commission on Colleges (SACSCOC); or

(7) Western Association of Schools and Colleges (WASC) Senior College and University Commission.

(b) This also includes any revisions to the names of these organizations moving forward.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER P. APPROVAL OF DISTANCE EDUCATION COURSES AND PROGRAMS FOR PUBLIC INSTITUTIONS

19 TAC §§4.255 - 4.264

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 4, Subchapter P, §§4.255 - 4.264, Approval of Distance Education Courses and Programs for Public Institutions, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5891). The rule will not be republished.

The adopted repeal removes rules replaced by the new Title 19, Part 1, Chapter 2, Subchapter J, approved by the Coordinating Board at its April 2023 quarterly meeting.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.0512(g), which provides the Coordinating Board with the authority to approve distance learning courses offered by institutions of higher education.

The adopted repeal affects Texas Education Code, Section 61.0512(g).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 5. RULES APPLYING TO PUBLIC UNIVERSITIES, HEALTH-RELATED INSTITUTIONS, AND/OR SELECTED PUBLIC COLLEGES OF HIGHER EDUCATION IN TEXAS

SUBCHAPTER B. ROLE AND MISSION, TABLES OF PROGRAMS, COURSE INVENTORIES

19 TAC §5.24

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 5, Subchapter B, §5.24, Submission of Mission Statements and Planning Notification, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5892). The rule will not be republished.

This amendment removes language related to submission of planning notifications for specific degree programs, as that language has been superseded by rules adopted by the Coordinating Board in October 2023.

Rule 5.24, Submission of Mission Statements and Planning Notification, sets out requirements for institutions to submit mission statements for their institutions and planning notifications for a certain subset of academic programs. This rule was replaced by 19 Texas Administrative Code Chapter 2, Subchapter C, adopted on Oct. 28, 2022, which sets out how institutions must submit planning notifications for proposed programs in line with Texas Education Code §61.0512(b). The adopted amendments repeal portions of existing rule that have been replaced by recent rule-making.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Education Code, Section 61.0512(b), which provides the Coordinating Board with the authority to require institutions to submit notification prior to beginning preliminary planning for a new degree program.

The adopted amendment affects Texas Education Code §61.0512(b).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER C. APPROVAL OF NEW ACADEMIC PROGRAMS AT PUBLIC UNIVERSITIES, HEALTH-RELATED INSTITUTIONS, AND REVIEW OF EXISTING DEGREE PROGRAMS

19 TAC §§5.41 - 5.46, 5.48, 5.50, 5.52 - 5.55

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 5, Subchapter C, Approval of New Academic Programs at Public Universities, Health-Related Institutions, and Review of Existing Degree Programs, §§5.41 - 5.46, 5.48, 5.50, and 5.52 - 5.55 without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5893). The rules will not be republished.

Rules 5.41 - 5.46, 5.48, 5.50 and 5.54 concern the process for four-year institutions (general academic institutions and health-related institutions) to request approval for new academic programs, specifically new doctoral, master's, baccalaureate, and certificate programs. The Coordinating Board replaced these processes with rules contained in 19 Texas Administrative Code Chapter 2, Subchapter A, General Provisions; Subchapter B, Approval Process for a Certificate; Subchapter F, concerning approving new baccalaureate and master's degrees; and Subchapter G, concerning approving new doctoral and professional degree programs.

The new rule language brings Coordinating Board processes and procedures closer to the requirements of statute, contained in Texas Education Code, §61.0512, while also improving the navigability and readability of rules for institutions subject to these requirements. The proposed repeal will remove the old rules superseded by the new rule content.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.0512, which provides the Coordinating Board with the authority to approve new programs and conduct review of existing programs.

The adopted repeal affects Texas Education Code, Section 61.0512.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 9. PROGRAM DEVELOPMENT IN PUBLIC TWO-YEAR COLLEGES

SUBCHAPTER B. GENERAL PROVISIONS

19 TAC §§9.28, §9.29

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 9, Subchapter B, §9.28 and §9.29, Program Development in Public Two-Year Colleges, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5894). The rules will not be republished.

The Coordinating Board repeals these rules to replace them with a new certification process as a result of changes in statute to certification made by Tex. H.B. 8, 88th Leg., R.S. (2023).

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.063, which provides the Coordinating Board with the authority to certify what public junior colleges are eligible to receive state appropriations.

The adopted repeal affects Texas Education Code, Sections 61.063 and 130.003.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER J. ACADEMIC ASSOCIATE DEGREE AND CERTIFICATE PROGRAMS

19 TAC §§9.181 - 9.186

The Texas Higher Education Coordinating Board (Coordinating Board) adopts the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter J, §§9.181 - 9.186, Academic Associate Degree and Certificate Programs, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5895). The rules will not be republished.

Rules 9.181 - 9.186 concern the approval criteria and steps for implementation of new academic associate degree and certificate programs at two-year institutions (public junior colleges, Texas State Technical College-Harlingen, and Lamar State Colleges). The Coordinating Board replaced these processes with rules contained in 19 Texas Administrative Code Chapter 2, Subchapter A, General Provisions, Subch. B, Approval Process for Certificates, and Subch. D, Approval Process for New Associate Degrees.

The new rule language brings Coordinating Board processes and procedures closer to the requirements of statute, contained in Texas Education Code, §61.0512, while also improving the navigability and readability of rules for institutions subject to these requirements. The adopted repeal will remove the old rules superseded by the new rule content.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.0512, which provides the Coordinating Board with the authority to approve new programs, and Section 130.001, which requires the Coordinating Board to adopt policies and establish rules to carry out statutory duties with respect to public junior colleges.

The adopted repeal affects Texas Education Code, Sections 61.0512 and 130.001.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER L. MULTIDISCIPLINARY STUDIES ASSOCIATE DEGREES

19 TAC §§9.550 - 9.555

The Texas Higher Education Coordinating Board (Coordinating Board) adopts the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter L, §§9.550 - 9.555, Multidisciplinary Studies Associate Degrees, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5896). The rules will not be republished.

Rules 9.550 - 9.555 concern the requirements for multidisciplinary associate degrees at two-year institutions (public community colleges, Texas State Technical College-Harlingen, and Lamar State Colleges). The Coordinating Board replaced these requirements with rules contained in 19 Texas Administrative Code Chapter 2, Subchapter A, General Provisions and Subchapter D, Approval Process for New Associate Degrees. The new rule language better aligns with Texas Education Code,

§130.0104 and §61.0512, and improves the navigability and readability of rules for institutions subject to these requirements. The adopted repeal will remove the old rules superseded by the new rule content.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.0512, which provides the Coordinating Board with the authority to approve new programs and section 130.0104, which requires public junior colleges to establish the multidisciplinary studies associate degree.

The adopted repeal affects Texas Education Code, §§61.0512 and 130.0104.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER N. BACCALAUREATE DEGREE PROGRAMS

19 TAC §§9.670 - 9.678

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 9, Subchapter N, Baccalaureate Degree Programs, §§9.670 - 9.678 without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5896). The rules will not be republished.

This repeal removes language related to baccalaureate degree program approval and reporting requirements in existing rules, as that language has been superseded by rules adopted by the Coordinating Board in October 2022.

Rules 9.670 - 9.678 concern Coordinating Board approval and oversight of baccalaureate degrees at public junior colleges. In October 2022, the Coordinating Board adopted new rules relating to the oversight of this type of degree program located in 19 TAC Ch. 2, Subch. E. The new rules carry out the Coordinating Board's statutory obligations under Tex. Educ. Code §§61.0512, 130.302, and 130.312 in a single centralized location, organized to improve the readability of the Coordinating Board's administrative code. Because the old rules in Ch. 9 have been superseded by the new rules in Ch. 2, the Coordinating Board adopts repeal of the old rules.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, §§61.0512(h)(2), 130.302, and 130.312, which provides the

Coordinating Board with the authority to administer and approve certain baccalaureate degree programs at public junior colleges.

The adopted repeal affects Texas Education Code, §§61.0512(h)(2), 130.302, and 130.312.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 13. FINANCIAL PLANNING SUBCHAPTER A. DEFINITIONS

19 TAC §13.1

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter A, §13.1, Definitions, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5897). The rules will not be republished.

This adopted amendment adds greater specificity and clarity to the definitions applying to finance-related rules. To implement H.B. 8, 88th Leg., R.S. (2023), which makes significant changes to the funding system for community colleges, the Coordinating Board has determined the need for greater precision in the terminology used for financial rules broadly.

Rule 13.1(4), (7), and (8) specifies three distinct entities: "Board," meaning the nine-member appointed governing body of the Texas Higher Education Coordinating Board; "Coordinating Board," meaning the state agency as a whole; and "Coordinating Board Staff or Board Staff," meaning the staff of the agency. Separating these terms improves the readability and precision of the rules contained in Chapter 13 and allows the Coordinating Board to make a distinction between actions taken by the governing body, agency staff, and the agency as a whole.

Rule 13.1(5) defines the census date, which is the deadline for institutions to submit data relating to students in attendance for the purposes of formula funding. This definition implements Texas Education Code, §§130A.006 and 130A.008, which requires the Coordinating Board to stipulate data reporting requirements in rule.

Rule 13.1(25) - (28) separates a single definition for public two-year colleges into three different component sectors: public junior colleges, public technical institutes, and public state colleges. Section 46, Tex. H.B. 8, 88th Leg., R.S. (2023) codifies a formula funding system for public community colleges distinct from the formula funding systems for public technical institutions and public state colleges implemented in the General Appropriations Act. The revised definitions allow for greater drafting clarity and align finance terms in Chapter 13 with Texas Education

Code, §61.003, and with institutional categories used by state appropriators.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Education Code, Section 130A.005, allowing the Coordinating Board to adopt rules necessary to implement and administer the Public Junior College State Finance Program.

The adopted amendment affects Texas Education Code Section 61.003.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER D. FINANCIAL REPORTING

19 TAC §13.62

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 13, Subchapter D, §13.62, Community Colleges, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5899). The rule will not be republished.

The Coordinating Board repeals this rule to replace it with a new consolidated community college data reporting rule in coordination with changes made by Tex. H.B. 8, 88th Leg., R.S. (2023).

Rule 13.62 concerns annual updates to the community college annual financial report manual and its content. Concurrent with other changes made to the Texas Administrative Code related to H.B. 8, 88th Leg., R.S. (2023), the provisions of this rule are being merged with others pertaining to financial reporting by community colleges in a different subchapter.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.065, that provides the Coordinating Board with the authority to prescribe uniform financial reporting guidelines.

The adopted repeal affects Texas Education Code, Section 61.065.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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19 TAC §13.63

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter D, §13.63, Additional Financial Reporting Information, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5900). The rule will not be republished.

The Coordinating Board amends this rule to move community college-related provisions to a new consolidated community college data reporting rule in coordination with changes made by Tex. H.B. 8, 88th Leg., R.S. (2023).

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Education Code, Section 61.065, which provides the Coordinating Board with the authority to prescribe uniform financial reporting guidelines.

The adopted amendment affects Texas Education Code, §61.065.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER F. FORMULA FUNDING AND TUITION CHARGES FOR REPEATED AND EXCESS HOURS OF UNDERGRADUATE STUDENTS

19 TAC §§13.101, 13.102, 13.104

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter F, §§13.101, 13.102, and 13.104, Formula Funding and Tuition Charges for Repeated and Excess Hours of Undergraduate Students, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5900). The rules will not be republished.

The revisions implement statutory amendments passed by the 88th Legislature. Specifically, these amendments update Coordinating Board rules to accurately reflect two changes made by H.B. 8. House Bill 8 amended Texas Education Code §61.0595 to establish that hours earned by a student before receiving an associate degree do not count toward the limitation on the hours that may be reported for funding based on a student's current degree program (the "excess hours" rule). The amendments also update reference to the authority for the limitation on reporting hours related to a course taken by a student for the third time (the "three-peat" rule) to statute instead of a rider provision in the General Appropriations Act.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under Texas Education Code, Sections 130A.005, 54.014, 61.059(r), and 61.0595 that provide the Coordinating Board with the authority to adopt rules pertaining to the reporting of hours for the purpose of formula funding.

The adopted amendment affects Texas Education Code, Section 54.014 and 61.059(r).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER G. RESTRICTED RESEARCH EXPENDITURES

19 TAC §§13.120 - 13.127

The Texas Higher Education Coordinating Board (Coordinating Board) adopts the repeal of Title 19, Part 1, Chapter 13, Subchapter G, §§13.120 - 13.127, concerning Restricted Research Expenditures, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5902). The rule will not be republished.

The Coordinating Board adopts the repeal of this subchapter in accordance with changes made by House Bill (HB) 1595, 88th Legislature, Regular Session. Voters approved Proposition 5, relating to research funds at general academic institutions, on November 7, 2023, which allowed the provisions of HB 1595 to take effect on January 1, 2024. The Coordinating Board convened a negotiated rulemaking committee comprised of higher education institutional representatives in accordance with Texas Education Code, Section 61.0331, on August 3, 2023, to develop the proposed rules.

Rules 13.120 - 13.122 establish the purpose, authority, and definitions related to restricted research. Rules 13.123 and 13.124 establish a restricted research committee to review restricted research awards and the applicable standards and accounting

methods for restricted research. Rules 13.125 and 13.126 establish reporting requirements of the institutions and the Coordinating Board related to restricted research awards and expenditures. Rule 13.127 provides for audits of research records reported by institutions.

Statute previously provided for the use of restricted research expenditures in the allocation of funding under the Comprehensive Research Fund and Core Research Support Fund and as an eligibility criterion for the National Research University Fund. Due to its use in state funding allocations, statute charged the Coordinating Board with setting standards and accounting methods for determining restricted research expenditures, providing for a committee process to verify reported awards, and auditing research records.

As part of the changes enacted under HB 1595, statute no longer includes restricted research expenditures as part of any state funding allocations. HB 1595 provides for the distribution of the Comprehensive Research Fund based on an institution's federal and private research expenditures. The legislation also provides for the redesignation of the Core Research Support Fund as the National Research Support Fund and provides for funding distributions based on an institution's federal and private research expenditures and awards of research doctorates.

Additionally, HB 1595 eliminated the National Research University Fund and recreates it as the Texas University Fund (TUF). The TUF provides for new eligibility criteria and uses federal and private research expenditures, rather than restricted research expenditures, as part of its eligibility criteria and allocation methodology.

No comments were received regarding the adoption of the repeal.

The repeal is adopted in accordance with changes made by Tex. H.B. 1595, 88th Leg., R.S. (2023), which eliminated the basis for restricted research standards and accounting and its subsequent use in the allocation of the Comprehensive Research Fund, Core Research Support Fund, and as an eligibility criterion for the National Research University Fund (which was eliminated and recreated as the Texas University Fund).

The adopted repeal affects Texas Education Code, Sections 62.095, 62.096, 62.134, 62.135(b), 62.145, and 62.146.

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SUBCHAPTER M. TOTAL RESEARCH EXPENDITURES

19 TAC §§13.300 - 13.305

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter M, §§13.300 - 13.304 and new §13.305, concerning Total Research Expenditures, with changes to §13.303 proposed text as published in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6306). The rule will be republished. A formatting correction was made to insert a missing letter "(b)" in the ordering of §13.303, Standards and Accounting Methods for Determining Total Research Expenditures. Sections 13.300 - 13.302, 13.304, and 13.305 are adopted without changes and will not be republished.

The adopted amendments and new rule revise the reporting of total research expenditures to the Coordinating Board for use in state research funding allocations for the Comprehensive Research Fund, National Research Support Fund, and Texas University Fund (TUF), in accordance with changes made by House Bill (H.B.) 1595, 88th Texas Legislature, Regular Session. Voters approved Proposition 5, relating to research funds at general academic institutions, on November 7, 2023, which allowed the provisions of H.B. 1595 to take effect on January 1, 2024. The Coordinating Board convened a negotiated rulemaking committee comprised of higher education institutional representatives in accordance with Texas Education Code, Section 61.0331, on August 3, 2023, to develop the rules.

Rules 13.300 and 13.301 note the purpose and authority of the subchapter. Adopted revisions now prescribe the requirement of total research expenditures to be submitted by fund source and lay out the use of the data in the allocation of the Texas Comprehensive Research Fund, National Research Support Fund, Texas Research University Fund, Texas University Fund (TUF), and formula funding for research. The rule also establishes the portions of Texas Education Code (TEC) that authorize the Coordinating Board to adopt rules pertaining to the TUF.

Rule 13.302 lists definitions pertinent to research expenditure reporting. The revisions add paragraphs (1), (5), (8), (10), (12), and (23) to include fund sources by which institutions must report expenditures to the Coordinating Board. The fund sources align with the Higher Education Research and Development (HERD) Survey conducted by the National Center for Science and Engineering Statistics under the National Science Foundation. Paragraphs (24) and (25) provide a more granular breakout of funding sources for State and Local Government Expenditures to appropriately implement funding formulas for the health-related institutions.

Paragraph (15) establishes that private expenditures include expenditures of funds reported as Business Expenditures, Non-profit Organization Expenditures, and All Other Expenditures. This definition matches the definition under Texas Administrative Code, chapter 15, subchapter B, Texas University Fund for use in the allocation of certain state funding.

Paragraphs (9), (11), and (13) define certain sectors of Texas public institutions of higher education.

Paragraphs (4), (6), and (7) specify three distinct entities: "Board," meaning the nine-member appointed governing body of the Texas Higher Education Coordinating Board; "Coordinating Board," meaning the state agency as a whole; and "Coordinating Board Staff or Board Staff," meaning the staff of the agency. Separating these terms allows the Coordinating Board to make a distinction between actions taken by the governing body, agency staff, and the agency as a whole.

Revisions to paragraph (16) and the addition of paragraph (18) align definitions of research and development (R&D) with the HERD Survey. The revision of paragraph (19) clarifies what is included on the research expenditure survey and the addition of paragraph (22) adds clarity on what is considered a sponsored project.

The revision of §13.303 removes a provision made unnecessary due to the addition of §13.305 and clarifies that pass-throughs to other agencies of higher education also do not meet the narrow definition of R&D expenditures. Other revisions include clarification that total research expenditures may only include recovered indirect costs and clarification on the treatment of counting expenditures where the dollars expended are reported on an institution's annual financial report, but the actual work is conducted at a separate entity.

The revision of §13.304 clarifies that Coordinating Board staff will post the report of total research expenditures and the source of information for a legislatively required report.

The addition of §13.305 provides for the explicit direction of reporting total research expenditures to the Coordinating Board. The rule provides the breakout of fund source categories and requires a subset reporting of State of Texas Source Expenditures and State Contracts and Grants to accurately implement certain funding formulas for health-related institutions. The rule specifies that unrecovered indirect costs and pass-throughs to certain sectors of higher education do not meet the narrow definition of R&D expenditures. Pass-throughs to these sectors of higher education would result in the state including certain research expenditures in multiple funding formulas so separating these expenditures out in reporting allows the state to only include the research expenditure in funding formulas for the institution who received the pass-through funding.

No comments were received regarding the adoption of the amendments and new rule.

The amendment and new rule are adopted in accordance with changes made by H.B. 1595, 88th Texas Legislature, Regular Session (2023), which requires the collection of federal and private research expenditures for use in the allocation of the Comprehensive Research Fund and as part of the eligibility criteria and distribution methodology for the National Research Support Fund and Texas University Fund.

The adopted amendment and new rule affects Texas Education Code Sections 62.095, 62.132, 62.1335, 62.134, 62.145, 62.1481, 62.1482, and 62.151.

§13.303. Standards and Accounting Methods for Determining Total Research Expenditures.

(a) R&D expenditures for Texas A&M University include consolidated expenses from Texas A&M University and its service agencies.

(b) Research expenses from the AFR shall be reconciled to the total R&D expenditures of the Research Expenditure Survey by a:

(1) Decrease of the AFR total by the amount of R&D expenses that do not meet the narrow definition of R&D expenditures used in the Coordinating Board's Research Expenditure Survey. Pass-throughs to other general academic teaching institutions, medical or dental units, and other agencies of higher education do not meet the narrow definition of R&D expenditures.

(2) Increase of the AFR total by the amount of recovered indirect costs associated with expenses for R&D as reported through the Research Expenditure Survey.

(3) Increase of the AFR total by the amount of capital outlay for research equipment, not including R&D plant expenses or construction.

(4) Increase of the AFR total by the amount of expenditures for conduct of R&D made by an institution's research foundation, or 501(c) corporation on behalf of the institution, and not reported in the institution's AFR, including indirect costs.

(5) Increase of the AFR total to include expenses related to research performed by the agency or institution but recognized on the AFR of a separate agency or institution who received and expended the funding. The agency or institution who received and expended the funding but did not perform the research must make a corresponding decrease of its AFR total for this amount. This accounting event is not a pass-through to subrecipient.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER P. COMMUNITY COLLEGE FINANCE PROGRAM FOR FISCAL YEAR 2024

19 TAC §§13.470 - 13.477

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 13, Subchapter P, §§13.470 - 13.477, Community College Finance Program for Fiscal Year 2024, with changes to the subchapter title, §13.470, and §13.474 proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5903). The rules will be republished. The title of the subchapter has been amended with the addition of "for Fiscal Year 2024" and §13.470 has been amended, both of which clarify that the rules apply only to fiscal year 2024. Sections 13.471 - 13.473 and 13.475 - 13.477 are adopted without changes and will not be republished. The Coordinating Board intends to adopt new rules implementing the new community college finance system without reference to specific fiscal years, whereas the adopted rules make such references and can therefore be applied only to fiscal year 2024.

Rule 13.470, Purpose and Effective Date, establishes the purpose of subchapter P to govern the implementation of the community college finance system.

Rule 13.471, Authority, establishes the portions of Texas Education Code (TEC) that authorize the Coordinating Board to adopt rules pertaining to community college finance.

Rule 13.472, Definitions, lists definitions pertinent to the community college finance system.

Paragraphs (1), (2), and (13) define student weights as required by Sections 130A.054 and 130A.101 of H.B. 8 for use in the calculation of the base and performance tier. Economic disadvantage is based on the student's receipt of federal Pell grant funding due to that program's need-based design, which includes rigorous documentation of student needs and family resources, and academic disadvantage is based on the student's determination of college readiness, as measured through the Texas Success Initiative assessments. Adult learners are defined as students aged 25 years or older, in accordance with H.B. 8 requirements.

Paragraphs (7) - (9), (15), (21), and (26) provide definitions for terms (base year, basic allotment, census date, full-time student equivalent (FTSE), local share, weighted FTSE used in the calculation of the base tier, defined in paragraph (6), which measures a college's instruction and operations (I&O) needs based on their weighted FTSEs and the number of contact hours they delivered in the most recent academic terms (the "base year").

Paragraph (27) defines weighted outcome completions as the count of designated student outcomes that have been weighted by student characteristics. This provides the basis for the allocation of funding under the performance tier, which is further refined by the below definition paragraphs.

Paragraphs (3) - (5), (11), (18) - (20), and (23) provide definitions of credential types, or associated requirements, that may be eligible for purposes of performance tier funding. The definitions tie to paragraph (16), fundable credentials, which further refines what credential types, including associate, baccalaureate degrees, certain certificates, Occupational Skills Awards (OSAs), and Institutional Credential Leading to Licensure or Certification (ICLC) may receive funding. In alignment with H.B. 8, all fundable credentials will meet the definition of credential of value. The determination of "credential of value" for ICLCs is refined to provide semester credit hour (SCH) thresholds for the credential as these are new credential types collected from the community colleges and providing thresholds ensures the Coordinating Board is prioritizing credentials that are producing graduates who meet the state's workforce needs. The determination of "credential of value" for OSAs is aligned to the definition of OSA, which includes requirements that the credential meet workforce needs.

Paragraph (10) defines a credential of value as credentials that will provide a positive return-on-investment within 10 years (on average), such that cumulative earnings exceed initial investment, for baccalaureate, associate, and certificate degree programs. This definition is aligned with and implements the Coordinating Board's long range master plan for higher education by using data to determine whether a student is better off after earning the credential, inclusive of their costs of attendance, than a comparable student who earned only a high school diploma. The purpose is to incentivize institutions to strongly consider workforce needs and student's long term economic and social success in making decisions regarding program offerings, student services, and other key areas.

Paragraph (17) defines high demand fields in alignment with the recommendations of the last Community and Technical College Formula Advisory Committee. This list derives from an analysis of state and regional workforce trends based on higher education regions in the state. This list includes fields associated with an occupation on 7 of 10 regional lists of the top 25 occupations by

projected 10-year growth and the fields associated with every region's top 5 occupations by projected 10-year growth. The list also includes any field previously funded as a "critical field" by the legislature in the fiscal year 2022-23 success point formula to help transition community colleges to the new methodology.

Paragraph (12) defines eligibility for a dual credit or dual enrollment fundable outcome to receive funding through the performance tier. The definition provides that all statutorily fundable SCHs of dual credit or dual enrollment may count towards the achievement of 15 SCHs applicable to an academic or workforce requirement at the postsecondary level. Aligning with statutory funding eligibility requirements increases the likelihood that these courses will result in meaningful progress towards postsecondary credentials while encouraging community colleges to transition to a system in which dual credit/enrollment students take a structured sequence of courses that enhances timely progress towards an academic or workforce credential. The Coordinating Board anticipates that this definition will be further refined as additional data become available in future years.

Paragraphs (24) and (25) define eligibility for a student's achievement of a structured co-enrollment or transfer fundable outcome. These outcomes may receive funding through the performance tier and the definitions align with the requirements in Section 130A.101, as added by H.B. 8.

Paragraphs (14) and (22) define formula and non-formula support, respectively, based on the method of determining the funding provided to the community college.

Rule 13.473, Base Tier Allotment, establishes the calculations used to determine Base Tier funding that the legislature entitled community colleges to receive under TEC, Sections 130A.051 - 130A.056. To summarize, Base Tier funding is calculated as Instruction and Operations (I&O) minus Local Share. If Local Share is greater than Instruction and Operations, then Base Tier funding is zero.

Specifically, Rule 13.473(b) establishes the Instruction and Operations funding amount, corresponding to TEC, Section 130A.052, as Contact Hour Funding plus the product of the Weighted Full Time Student Equivalents (Weighted FTSE) multiplied by Basic Allotment. The rule explicitly defines the calculations used to derive Full Time Student Equivalents based on contact hour and SCHs reported to the Coordinating Board by community college districts. Hours reported are weighted by student characteristics as instructed by TEC, Section 130A.054, at levels based on the higher cost of educating students with certain characteristics (e.g., adult learners are weighted the highest due to the higher cost of educating the student). In accordance with TEC, Section 130A.055, the rule defines Contact Hour Funding as the Institution's reported base year contact hours, weighted by the average cost to provide each contact hour in each discipline as defined in the Report of Fundable Operating Expenses. The Basic Allotment amount and contact hour funding amount are derived based on the Fiscal Year 2024 appropriations for the Base Tier as provided by the General Appropriations Act for the 2024-25 Biennium, in accordance with TEC, Sections 130A.053 and 130A.055.

Rule 13.473(c) establishes Local Share as the amount of maintenance and operations ad valorem tax revenue generated by \$0.05 per \$100 of taxable property value in a college's taxing district plus the amount of tuition and fee revenue that would be generated by charging the average amount of tuition and

fees charged by community colleges districts in the state of Texas to each in-district FTSE, in accordance with TEC, Section 130A.056. Specifically, the Coordinating Board will calculate estimated tax revenue for each district as the actual amount of current tax revenue collected in Fiscal Year 2022 multiplied by the ratio of the maintenance and operations tax rate to the total tax rate, divided by the product of the maintenance and operations tax rate and 100 and multiplied by five. This estimation takes into account that not all property taxes owed are able to be collected by the institutions due to delinquent or late collections over which the institutions have no control. The Coordinating Board will estimate tuition and fee revenue by summing 1) the average of tuition and fees charged by community colleges to in-district students in fiscal year 2021, as reported by the federal Integrated Postsecondary Education Data System, multiplied by non-dual credit or dual enrollment FTSEs In FY22 and 2) the amount of tuition set per SCH for the Financial Aid for Swift Transfer (FAST) program, multiplied by dual credit or dual enrollment SCHs in FY22. Using the average tuition and fee rate specific to in-district students avoids unduly penalizing colleges that have above-average percentages of in-district students and/or that provide substantial discounts to their in-district students. Using the two different tuition rates, depending on the type of student, provides further equity in the method of estimating tuition and fee revenue across the community college districts by avoiding an undue penalty on colleges participating in the FAST program and those with higher percentages of dual credit or dual enrollment students, regardless of their participation in FAST.

Rule 13.474, Performance Tier Funding, establishes the calculations used to determine Performance Tier Funding, which the Legislature entitled community colleges to receive under TEC, Section 130A.101. The rule lists those outcomes that merit performance funding and the student characteristics that garner added funding at levels in alignment with those set for the base tier funding pursuant to TEC, Section 130A.001.

The rule establishes values for the fundable outcomes, which are derived based on appropriations made in the 2024-25 General Appropriations Act for the Performance Tier strategy.

Funding is set \$3,500 per outcome for transfer and structured co-enrollment fundable outcomes, certificates awarded in a high-demand field, and associate or baccalaureate degrees not in a high-demand field. The equal funding rate across these outcomes reflects the great benefit they confer to students and to the state as well as the importance of institutions' ability to impartially guide and assist students in pursuing different forms of valuable success.

Completion of dual credit or dual enrollment fundable outcomes are set at a lower amount, \$1,700, due to the additional funding institutions will receive via participation in the FAST program; the fact that these outcomes do not involve conferral of a credential or enrollment in a baccalaureate program; and the tendency of these courses to be lower-division academic courses with below-average cost of delivery.

Across all credentials, high-demand fields receive higher funding rates to incentivize institutions to develop and grow programs in areas more closely aligned with the current and future workforce needs of the state.

Rule 13.475, Formula Transition Funding, establishes that after calculating the base tier and performance tier funding for each community college, the Coordinating Board shall ensure that a

community college district does not receive less in formula funding in FY 2024 than it received in FY 2023 appropriations for formula funding (contact hours, success points, core operations, and bachelor's of applied technology funding) and need based supplements. The Coordinating Board judges this provision to be necessary to smooth the transition from the prior system of formula funding predominantly based on contact hour generation to the new system of performance-based funding. Including this provision ensures that no institution will experience as significant detrimental impact on its operations as the new system adjusts funding and moves to outcome-driven performance.

Rule 13.476, Payment Schedule, sets out both the payment schedule for non-formula support items and the payment schedule (three times per year) at which the Coordinating Board will make formula funding payments to each institution as authorized by TEC, Section 130.0031, as amended by Tex. H.B. 8, 88th Leg., R.S. (2023). The Coordinating Board shall pay all non-formula support item amounts to the institution by September 25th of a fiscal year, in accordance with the requirements in the 2024-25 General Appropriations Act (Article IX, Section 18.04 Contingency for House Bill 8(a)(4)). For FY24, the first payment is 50% of the total formula funding entitlement, 25% for the second payment and the final payment. Institutional stakeholders suggested that the Coordinating Board should make the first payment 50% in recognition that a college district's expenses are weighted towards the start of the fiscal year and to smooth the transition from the prior payment schedule that historically provided 48% of funding to a community college district by October 25.

Rule 13.477, Close Out, establishes the final process the Coordinating Board shall undertake to finalize the prior fiscal year's formula funding for community colleges. The Coordinating Board shall review and verify distributions made to the community colleges in the prior fiscal year and, if necessary, adjust a community colleges first payment of the next fiscal year to correct funding, as needed, in accordance with TEC, Section 130A.009. TEC, Section 130.0031, authorizes the Coordinating Board to make adjustments to the installment payments within the fiscal year to ensure the Coordinating Board delivers the correct funding to each institution. The Close Out process caps the final adjustment to payments that occur based on the outcomes, certified reported data, and funding made to each institution to the fiscal year. Subsequent to Close Out, the Coordinating Board will use the adjustment and overallocation process under Texas Administrative Code, subchapter R, of this chapter to make any further adjustments to funding that was owed for a Closed Out fiscal year. Specification of this process by rule ensures that each institution has notice of the Coordinating Board's determination that funding has been fully delivered for that year.

This new section implements the new community college finance system established by Tex. H.B. 8, 88th Leg., R.S. (2023).

No comments were received regarding the adoption of the new rules.

The new sections are adopted under Texas Education Code, Section 130A.005, which provides the Coordinating Board with the authority to adopt rules and take other actions consistent with Texas Education Code, Chapter 61, Chapter 130, and Chapter 130A to implement Tex. H.B. 8, 88th Leg., R.S. (2023). In addition, Texas Education Code, Section 130.355, permits the Coordinating Board to establish rules for funding workforce continuing education.

The adopted new sections affect Texas Education Code, Sections 28.0295, 61.003, 61.059, 130.003, 130.0031, 130.0034, 130.008, 130.085, 130.310, 130.352 and Chapter 130A.

§13.470. Purpose and Effective Date.

(a) The purpose of this subchapter is to implement the Community College Finance Program authorized by Texas Education Code, Chapters 61, 130, and 130A.

(b) Effective Date of Rules. The rules in this subchapter apply to funding for fiscal year 2024 only and will expire on August 31, 2024.

§13.474. Performance Tier Funding.

(a) Each public junior college district shall receive Performance Tier funding under Texas Education Code, Chapter 130A, Subchapter C. The Coordinating Board shall calculate a district's Performance Tier funding as the sum of Weighted Outcome Completions multiplied by the respective funded values of the outcomes.

(b) For the purposes of calculating formula funding amounts for Fiscal Year (FY) 2024, the Coordinating Board shall fund the Weighted Outcome Completions described below as follows:

Figure: 19 TAC §13.474(b)

(c) For the purposes of calculating formula funding amounts for FY 2024, the Coordinating Board shall additively weight the calculation of outcomes of items (2), (3)(D), (E), and (F) in Figure: 19 TAC §13.474(b) of this section, as follows to calculate Weighted Outcome Completions.

(1) When an outcome is achieved by a student classified as economically disadvantaged, that outcome shall have an additional value of 25%.

(A) For purposes of calculating economically disadvantaged for transfer and credential fundable outcomes, the student must be classified as economically disadvantaged at any point during the fiscal year in which the outcome was achieved or the four fiscal years prior at the institution in which the outcome was achieved.

(B) For purposes of calculating economically disadvantaged for Structured Co-Enrollment Fundable Outcome, the student must be classified as economically disadvantaged in the initial semester of enrollment in the Structured Co-Enrollment Program at either the community college or general academic institution.

(2) When an outcome is achieved by a student classified as academically disadvantaged, that outcome shall have an additional value of 25%.

(A) For purposes of calculating academically disadvantaged for transfer and credential fundable outcomes, the student must be classified as academically disadvantaged at any point during the fiscal year in which the outcome was achieved or the four fiscal years prior at the institution in which the outcome was achieved.

(B) For purposes of calculating academically disadvantaged for Structured Co-Enrollment Fundable Outcome, the student must be classified as academically disadvantaged in the initial semester of enrollment in the Structured Co-Enrollment Program at the institution in which the outcome was achieved.

(3) When an outcome is achieved by a student classified as an Adult Learner, that outcome shall have an additional value of 50%.

(A) For purposes of calculating an Adult Learner for a transfer fundable outcome, the student must be classified as an Adult Learner in the year of last enrollment at the community college district prior to the transfer to a general academic institution.

(B) For purposes of calculating an Adult Learner for a fundable credential, the student must be classified as an Adult Learner in the fiscal year in which the fundable credential was awarded.

(C) For purposes of calculating an Adult Learner for Structured Co-Enrollment Fundable Outcome, the student must be classified as an Adult Learner in the initial semester of enrollment in the Structured Co-Enrollment Program at the institution in which the outcome was achieved.

(d) For the purposes of calculating Weighted Outcome Completions for formula funding amounts for FY 2024, the Coordinating Board shall calculate the funded number of Weighted Outcome Completions as the greater of the average of the district's Weighted Outcome Completion counts for FY 2020, FY 2021, and FY 2022 and the district's count for FY 2022.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER Q. FINANCIAL AID FOR SWIFT TRANSFER (FAST) PROGRAM

19 TAC §§13.500 - 13.506

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter Q, §§13.500 - 13.506, concerning Financial Aid for Swift Transfer (FAST) Program, with changes to §13.501 and §13.503 proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5910). The rules will be republished. Sections 13.500, 13.502, 13.504 - 13.506 are adopted without changes and will not be republished.

Specifically, these new sections outline the authority and purpose, definitions, institutional eligibility requirements, student eligibility requirements, tuition rate, funding formula, and the handling of overallocations, which are necessary to administer the FAST Program.

Rule 13.500 indicates the specific sections of the Texas Education Code (TEC) that provide the Coordinating Board with authority to issue these rules, as well as the purpose of the FAST Program.

Rule 13.501 provides definitions for words and terms within FAST rules. The definitions are adopted to provide clarity for words and terms that are integral to the understanding and administration of the FAST rules. The republished rule adds the definition of "career and technical education course" and revises the definition of "dual credit course" to provide greater clarity that the FAST program includes dual credit offered through

either academic courses or career and technical education courses. The republished rule also adds definitions for "credit" and "semester credit hour" and revises the definition of "equivalent of a semester credit hour" to provide greater clarity to the process for converting continuing education enrollment to semester credit hours. This section is adopted based on TEC, Section 28.0095(j), which directs the Coordinating Board to adopt rules as necessary to implement the FAST Program.

Rule 13.502 outlines the requirements that institutions must fulfill to participate in the FAST Program. The requirements are adopted to: (a) gather in one place both statutory requirements, such as the requirement that an institution must meet the definition of institution of higher education outlined in TEC, Section 61.003, and rule requirements implementing the FAST Program; (b) clarify aspects of the statutory requirements, such as the institution's responsibility to provide dual credit coursework at no cost to eligible students attending high school in Texas school districts or charter schools; and (c) provide rules specific to requirements the Coordinating Board is proposing to ensure effective administration of the FAST Program, such as the requirement that each participating institution enter into an agreement with the Coordinating Board. This section is adopted based on TEC, Section 28.0095(j), which directs the Board to adopt rules as necessary to implement the FAST Program.

Rule 13.503 outlines the eligibility requirements that students must meet to allow an institution to enroll the student in dual credit coursework at no cost to the student under the FAST Program. The requirements are adopted to: (a) gather in one place the statutory requirements for the FAST Program, including the requirements related to a student's enrollment and their prior status as educationally disadvantaged; (b) clarify aspects of the statutory requirements, such as the student needing to be enrolled in and eligible for Foundation School Program funding at a high school in a Texas school district or charter school; (c) provide rules to clarify eligible dual credit enrollment, which requires that participating institutions must have entered into a Dual Credit Agreement with the student's school district; (d) provide rules specific to requirements the Coordinating Board is proposing to ensure effective administration of the FAST Program, such as the requirement that school districts and charter schools will fulfill their reporting requirements for the educationally disadvantaged status through notice to the Texas Education Agency; and (e) request reporting from institutions necessary to identify students as "educationally disadvantaged" from data provided by Texas Education Agency (TEA). The republished rule adds the word "mandatory" as a clarifying descriptor regarding other course-related expenses. This is done to better delineate between the costs specifically related to taking the course and other costs a student might incur based on their own actions (e.g., fines, penalties, etc.). This section is adopted based on TEC, Section 28.0095(j), which directs the Coordinating Board to adopt rules as necessary to implement the FAST Program.

Rule 13.504 sets the FAST maximum tuition rate for the 2023-2024 academic year and is based on a review of average dual credit tuition rates, to allow for the FAST Program to begin in the fall 2023 semester. The adopted rule provides how an annual inflationary adjustment to the tuition rate will be calculated, the timeline in which the annual rate will be determined and announced to institutions of higher education and when the announced rate goes into effect. TEC, Section 28.0095(d), directs the Coordinating Board to prescribe the maximum tuition rate for the FAST Program in rule.

Rule 13.505 establishes the mechanisms by which the Coordinating Board will disburse funding to each participating institution to support their participation in the FAST Program, as well as the institutions' participation in the process. The adopted rule provides the frequency of disbursements to each institution; the way the disbursement amount will be calculated for each institution; the data that will be used to complete the calculation; the way institutions will have the opportunity to review the calculation for accuracy; and the true-up process, which confirms a student's attendance in high school during the dual credit course enrollment and requires reductions to future disbursements of FAST funding once an amount is calculated. This section is adopted based on TEC, Section 28.0095(j), which directs the Coordinating Board to adopt rules as necessary to implement the FAST Program.

Rule 13.506 references the overallocation rules for the FAST Program. The rule acknowledges that the program is one aspect of the larger effort to provide funding to support institutions in their work to successfully educate students and is thus subject to the overallocation rules outlined in Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter R. This section is adopted based on TEC, Section 28.0095(j), which directs the Coordinating Board to adopt rules as necessary to implement the FAST Program.

The following comments were received regarding the adoption of the new rules.

Comment: Lee College commented on the Coordinating Board's interpretation of "eligible students [being able] to enroll at no cost" (Texas Education Code §28.0095(b)), indicating that the legislation focuses on the "cost to enroll," which they view as clearly defined because the funding formula for the last several decades was enrollment based. The institution indicates that the cost to enroll includes the cost of placement testing, vaccinations, tuition and fees. In accordance with CBM reporting requirements, students who pay those costs are counted as being enrolled, and those who do not are not counted. The proposed rules, however, include the cost of books, supplies, and other course-related expenses that are not related to enrollment and are part of the cost of attendance or course completion. While the institution appreciates the desire to remove barriers for educationally disadvantaged students, they view the proposed rules as exceeding the scope of the legislation. The rules should be revised so that they accurately reflect the legislation and are limited to the costs that are required to enroll as specified in HB8 and the CBM Reporting Manual.

Response: The Coordinating Board appreciates this comment, but respectfully disagrees. The statute provides that a student who is educationally disadvantaged must be permitted to take a dual credit course at no cost to the student at an institution that elects to participate in the FAST program. While the Coordinating Board appreciates the institution's comment that cost to enroll should exclude books, supplies, or other costs that may be necessary for a high school student to successfully enroll in and complete a dual credit course, the Board respectfully disagrees that this interpretation exceeds the authority of the FAST program.

Education Code chapter 28 does not define "cost to enroll." Reading the statute to permit an educationally disadvantaged high school student to enroll in, but be unable to successfully complete, a dual credit course at no cost to the student would undermine the policy of the FAST program. Interpreting the

statute to require an institution to permit a high student to enroll and earn credit in a course without incurring any cost as necessary to earn course credit does not conflict with the text of Education Code §28.0095 and harmonizes all provisions of the dual credit and FAST programs to ensure that each educationally disadvantaged high school student has the opportunity to attempt and earn credit in college-level course work.

An institution of higher education may elect whether to participate in the FAST program. The Coordinating Board rules, chapter 4, subchapter D, requires an institution of higher education and a school district to establish agreements governing payment for dual credit course, which includes how costs related to participation in the FAST program are apportioned. While the Coordinating Board disagrees that the rule exceeds the authority of the applicable statutes, the Board looks forward to continued partnership with institutions to ensure clarity in the rules governing participation in the FAST program.

Comment: Lee College commented that the proposed rules do not cover incarcerated students in Windham ISD and recommended revising the rules to include those students.

Response: The Coordinating Board agrees with the institution that students from Windham ISD are excluded from eligibility in the program. Texas Education Code (TEC), Section 19.004, provides that no school district-specific TEC provisions outside of Chapter 19 apply to Windham unless specifically indicated in Chapter 19 or in statutes outside of the chapter. Windham ISD is not mentioned in TEC Section 28.0095, so students at Windham ISD would not be eligible for the FAST program. As such, no change is being made in response to this comment.

The new section is adopted under Texas Education Code, Section 28.0095, which provides the Coordinating Board with the authority to adopt rules as necessary to implement the FAST Program.

The adopted new section affects Texas Education Code, Sections 28.0095 and 48.308.

§13.501. Definitions.

In addition to the words and terms defined in §13.1 of this chapter (relating to Definitions) the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. In the event of conflict, the definitions in this subchapter shall control.

(1) Career and Technical Education Course--A workforce or continuing education college course offered by an institution of higher education for which a student may earn credit toward satisfaction of a requirement necessary to obtain an industry-recognized credential, certificate, or associate degree.

(A) A career and technical education course is listed in the Workforce Education Course Manual (WECM).

(B) For the purpose of this subchapter, this definition excludes:

(i) an avocational course;

(ii) a continuing education course that is ineligible for conversion as articulated college credit; and

(iii) a continuing education course that does not meet the institution's program or instructor accreditation standards.

(2) Charter School--A public charter school authorized to operate under Texas Education Code, Chapter 12.

(3) Credit--College credit earned through the successful completion of a college career and technical education or academic course that fulfills specific requirements necessary to obtain an industry-recognized credential, certificate, associate degree, or other academic degree.

(4) Dual Credit Course--A course that meets the following requirements:

(A) The course is offered pursuant to an agreement under §4.84 of this subchapter (relating to Institutional Agreements).

(B) A course for which the student may earn one or more of the following types of credit:

(i) joint high school and junior college credit under Texas Education Code, §130.008, or

(ii) another course offered by an institution of higher education, for which a high school student may earn semester credit hours or equivalent of semester credit hours toward satisfaction of:

(I) a course defined in paragraph (1) of this section that satisfies a requirement necessary to obtain an industry-recognized credential, certificate, or an associate degree;

(II) a foreign language requirement at an institution of higher education;

(III) a requirement in the core curriculum, as that term is defined by Texas Education Code, §61.821, at an institution of higher education; or

(IV) a requirement in a field of study curriculum developed by the Coordinating Board under Texas Education Code, §61.823.

(5) Educationally disadvantaged--As defined in Texas Education Code, §5.001(4), eligible to participate in the national free or reduced-price lunch program.

(6) Equivalent of a semester credit hour--A unit of measurement for a continuing education course, determined as a ratio of one continuing education unit to 10 contact hours of instruction, which may be expressed as a decimal. 1.6 continuing education units of instruction equals one semester credit hour of instruction. In a continuing education course, not fewer than 16 contact hours are equivalent to one semester credit hour.

(7) Program--The Financial Aid for Swift Transfer (FAST) Program.

(8) School Year--The twelve month-period of high school enrollment starting in August.

(9) Semester Credit Hour--A unit of measure of instruction, represented in intended learning outcomes and verified by evidence of student achievement, that reasonably approximates one hour of classroom instruction or direct faculty instruction and a minimum of two hours out of class student work for each week over a 15-week period in a semester system or the equivalent amount of work over a different amount of time. An institution is responsible for determining the appropriate number of semester credit hours awarded for its programs in accordance with Federal definitions, requirements of the institution's accreditor, and commonly accepted practices in higher education.

§13.503. *Eligible Students.*

(a) A student is eligible to enroll at no cost to the student in a dual credit course under the program if the student:

(1) is enrolled in and eligible for Foundation School Program funding at a high school in a Texas school district or charter school under the rules of the Texas Education Agency;

(2) is enrolled in a dual credit course at a participating institution of higher education that has entered into a Dual Credit Agreement with the student's school district as set out in §4.84 of this title (relating to Institutional Agreements); and

(3) was educationally disadvantaged at any time during the four school years preceding the student's enrollment in the dual credit course described by paragraph (2) of this subsection, as certified to the institution by the eligible student's school district or charter school, or other means authorized by rule.

(b) A school district's or charter school's notice to the institution regarding a student's status as educationally disadvantaged shall occur through the school district's or charter school's notice to the Texas Education Agency, unless otherwise provided by rule.

(c) A participating institution shall submit to the Coordinating Board identifying information, as outlined by the Coordinating Board, for students registered for or enrolled in dual credit courses. The Coordinating Board will compare the identifying information to data provided by the Texas Education Agency and will notify the institution as to which students fulfill the requirement outlined in subsection (a)(3) of this section.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 427-6365



SUBCHAPTER R. STATE PUBLIC JUNIOR COLLEGE FINANCE PROGRAM REPORTING, AUDIT, AND OVERALLOCATION

19 TAC §§13.520 - 13.529

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 13, Subchapter R, §§13.520 - 13.529, State Public Junior College Finance Program Reporting, Audit, and Overallocation, with changes to §§13.522, 13.524, 13.528, and 13.529 from the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5913). The rules will be republished. Changes include updating cross-references throughout the subchapter to reflect rule amendments and the addition of the Integrated Fiscal Reporting System as a required reporting mechanism. Sections 13.520, 13.521, 13.523, and 13.525 - 13.527 are adopted without changes and will not be republished.

Rule 13.520 sets out the purpose of the subchapter, which is to establish definitions, certification of compliance, data reporting, audit, and correction of error requirements, as well as over-allo-

cation and under-allocation procedures, necessary to implement the State Public Junior College Finance Program.

Rule 13.521 provides the authority for the chapter, which is established pursuant to Texas Education Code, §§28.0095, 61.035, 130.003, and 130A.006-130A.009.

Rule 13.522 lists definitions used in the subchapter. These definitions establish consistent terminology within the subchapter and mirror commonly used definitions established elsewhere in the Coordinating Board's rules. The legislation establishing the State Public Junior College Finance Program permits the Coordinating Board to adopt rules as necessary to implement Texas Education Code, Chapters 61, 130, and 130A (Texas Education Code, §130A.005).

Rule 13.523 contains the policy and procedures necessary for public junior colleges to submit certifications of compliance with statute and rules. H.B. 8 requires public junior colleges to submit attestations of compliance, including compliance with all state laws and Coordinating Board rules, as a condition of receiving state funds (Texas Education Code, §§61.063 and 130.003(b)). These sections of statute also provide for the Coordinating Board to establish the manner in which public junior colleges make this attestation. Rule 13.523 therefore contains deadlines and stipulates the content of the attestation, and provides for resolution in the event of unresolved audit findings, establishing clear guidelines for institutions to comply with statute.

Rule 13.524 describes the required financial and academic reporting for institutions to submit the data necessary for the Coordinating Board to administer the State Public Junior College Finance Program. The Coordinating Board collects data through a variety of established mechanisms: the Community College Annual Reporting and Analysis Tool, Annual Financial Report Reporting, the Report of Fundable Operating Expenses, Education Data Systems reporting, and through ad hoc reporting as necessary. The data from these tools provides a cornerstone of the financial modeling necessary to determine precise funding amounts for the public junior colleges. This rule describes the uses of data from required reporting and states the standards and review processes for these reporting mechanisms. This rule implements Texas Education Code, §130A.006, which states that the Coordinating Board may establish reporting requirements as necessary to administer the finance program.

Rule 13.525 establishes the process for the Commissioner of Higher Education (Commissioner) to review required reporting for errors and formally establish when a data reporting error resulting in a material impact in formula funding was made. Statute permits the Coordinating Board to review the accuracy of data reported to the Coordinating Board for any errors (Texas Education Code, §130A.007). This section establishes parameters and expectations for the methods the Coordinating Board will use to detect data errors. In addition, this section establishes the method used by the Commissioner to make a formal determination of a data reporting error requiring a funding adjustment, an important preliminary step to start off the processes for recovering overallocated funds or disbursing under-allocated funds.

Rule 13.526 provides for compliance monitoring and auditing of funds disbursed under the new finance model for public junior colleges. Texas Education Code, §61.035, provides for the agency to conduct compliance monitoring of funds allocated to all institutions of higher education, including public junior college. This section establishes parameters and expectations of internal audit offices at institutions for data collection and examination

assistance by the internal audit offices as institutional resources allow. In addition, this section contains information regarding reporting of ongoing or completed audits involving funds administered or allocated by or data reported to the Coordinating Board.

Rule 13.527 states that institutions must retain records for a period of no less than seven years for purposes of Coordinating Board review. Coordinating Board staff chose this time period to mirror the timeline of seven years in the statute, which states that the Coordinating Board may not review expenditures made by junior colleges occurring seven or more years in the past (Texas Education Code, §130A.009(e)).

Rule 13.528 lays out the process for the Coordinating Board to recover overallocated funds in the event a public community college has received more funding than was due. This section provides how the Coordinating Board will provide notice to institutions of an error finding and lays out an appeal process for institutions. This rule implements the recovery of overallocated funds provision of H.B. 8 (Texas Education Code, §130A.009).

This rule establishes a process for institutions of higher education subject to this subchapter to receive notice and have the opportunity to submit relevant information to appeal to the Commissioner in the case where the Coordinating Board may need to make an adverse funding adjustment. The procedures established for overallocation under §13.528(d) ensure the Coordinating Board is accurately disbursing appropriated funds as intended by the Legislature, while also providing flexibility for the method used to recoup the funds. This flexibility includes providing an option to recover a sum in a lump payment under §13.528(d)(1)(B), or alternatively over a five-year timespan under §13.528(d)(2), as authorized by H.B. 8. The flexibility is intended to limit extreme adverse financial impacts to public junior colleges that might detrimentally impact institutional operations, local communities, and students served by the institution, while still carrying out the Coordinating Board's obligation to disburse appropriated funds according to law.

Rule 13.529 likewise establishes how the Coordinating Board may make a financial adjustment in light of finding that an institution was allocated less in funding than was due. H.B. 8 provides for the Commissioner to adjust funds for the purpose of accuracy (Texas Education Code, §13A.007) and authorizes adjustment to installment under Texas Education Code, §130.0031. In addition, the General Appropriations Act provides that the Coordinating Board may make adjustments in the case of shortfall for the biennium (General Appropriations Act, Article IX, Contingency and Other Provisions, Section 18.04, Subsection 16 (2023)). The Coordinating Board intends to disburse appropriated funds with fidelity to appropriators' intent; this section allows for the agency to make institutions whole in the event of a shortfall due to a data reporting error or other error.

No comments were received regarding the adoption of the new rules.

These sections are adopted under Texas Education Code, Section 130A.005, which provides the Coordinating Board with the authority to adopt rules to implement and administer the Public Junior College State Finance Program.

The adopted sections affect Texas Education Code §§28.0095, 61.035, 61.065, 130.003, 130A.006-130A.009, and 130.0031.

§13.522. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings:

(1) **Audit**--An engagement to audit the program conducted by the Coordinating Board's Internal Auditor and internal audit or compliance monitoring staff pursuant to either Texas Education Code, §§130A.006(4) or 61.035. This term may include a site visit, desk review, or examination of the institution's use of funds allocated by the Coordinating Board and data reported to the Coordinating Board. The term includes auditing undertaken to obtain evidence to sufficiently examine or verify data submitted to the Coordinating Board to be used by the Coordinating Board for funding or policymaking decisions, including data used for formula funding allocations, to ensure the data is reported accurately.

(2) **Census Date**--Prior to September 1, 2024, as defined in subchapter P, §13.472, of this chapter (relating to Definitions). On or after September 1, 2024, as defined in subchapter S, §13.553, of this chapter (relating to Definitions).

(3) **Chief Audit Executive**--The Internal Auditor hired by the Coordinating Board to perform internal auditing and compliance monitoring on behalf of the Coordinating Board pursuant to Texas Education Code, Chapters 61, 130, and 130A.

(4) **Compliance Monitoring**--A risk-based audit and compliance function conducted by the Coordinating Board pursuant to either Texas Education Code, §§130A.006(4) or 61.035, for the purpose of reviewing and assessing programmatic, legal, and fiscal compliance. This function may include conducting audits, site visits, desk reviews, or other examinations, to ensure that funds allocated or distributed by the Coordinating Board are allocated, distributed, and used in accordance with applicable law and Coordinating Board rule. The function includes obtaining evidence to sufficiently examine or verify data submitted to the Coordinating Board to be used by the Coordinating Board for funding or policymaking decisions, including data used for formula funding allocations, to ensure the data is reported accurately.

(5) **Data Reporting Error**--An error in data or other information reported and certified by a public junior college to the Coordinating Board that the Commissioner of Higher Education in his or her discretion determines may result in a material impact in the formula funding a public junior college was entitled to or received.

(6) **Desk Review**--An administrative review by the Coordinating Board that is based on information reported by an institution of higher education or a private or independent institution of higher education, including supplemental information required by the Coordinating Board for purposes of compliance monitoring, except that the term does not include information or accompanying notes gathered by the Coordinating Board during a site visit.

(7) **Full-Time Student Equivalent (FTSE)**--Prior to September 1, 2024, as defined in subchapter P, §13.472, of this chapter. On or after September 1, 2024, as defined in subchapter S, §13.553, of this chapter.

(8) **Funding Adjustment**--Any increase or decrease in funding by the Coordinating Board to an institution of higher education based on an over- or under-allocation of funds.

(9) **Over-allocation**--The over-payment of funds to a public junior college due to a data reporting error or other error by either the institution or the Coordinating Board that results in payments beyond what the institution is due.

(10) **Site Visit**--An announced or unannounced in-person visit by a representative of the Coordinating Board or its agent to an institution of higher education or a private or independent institution of higher education for the purposes of conducting an audit.

(11) **Under-allocation**--The under-payment of funds to a public junior college due to a data reporting error or other error by either the institution or the Coordinating Board that results in payments less than what the institution was owed for the fiscal year.

§13.524. Required Reporting.

(a) **Required Reporting.** A public junior college must submit data through required reporting mechanisms established by the Coordinating Board. The Coordinating Board may use information obtained through required reporting for:

- (1) calculating funding disbursed under this chapter;
- (2) providing timely data and analyses to inform management decisions by the governing body of each public junior college district;
- (3) administering or evaluating the effectiveness of programs; or
- (4) auditing the program.

(b) **Financial Reporting:** The Community College Annual Reporting and Analysis Tool (CARAT) and Annual Financial Report (AFR) Reporting.

(1) **Standards.** Each public junior college district must submit their Annual Financial Report (AFR) for the preceding fiscal year by January 1. The public junior college must submit the AFR following the requirements provided in the Coordinating Board's Budget Requirements and Annual Financial Reporting Requirements for Texas Public Community Colleges, also known as the AFR Manual, for that fiscal year, in accordance with Texas Education Code, §61.065.

(2) **Format.** Each public junior college must report AFR data for each completed fiscal year as prescribed in the Community College Reporting and Analysis Tool (CARAT) by January 31 of the following fiscal year.

(3) **Review Process.** The Commissioner of Higher Education will update the AFR Manual, as required by Texas Education Code, §61.065. The AFR Manual will conform to Governmental Accounting Standards Board (GASB) statements and guidance.

(c) **Financial Reporting: Report of Fundable Operating Expenses (RFOE).**

(1) **Standards.** Each public junior college must report all instructional expenses from each completed fiscal year for each institutional discipline and unallocated administrative expenses as defined in the RFOE by January 31 of the following fiscal year.

(2) **Coordinating Board staff shall use the data provided on expenses at public junior colleges to produce a study of costs for each instructional discipline each year. This study will review all expenses made by institutions for instruction and administration from all unrestricted sources of funds, including appropriated general revenue, tuition and fees, contract instruction, other educational and general revenue, and local tax revenue.**

(d) **Financial Reporting: Integrated Fiscal Reporting System (IFRS).**

(1) **Standards.** Each public junior college shall report comprehensive tuition and fee financial data each fiscal year through IFRS.

(2) **The Coordinating Board may use data reported through IFRS to establish average annual tuition and fee charges as necessary to implement this chapter.**

(e) **Academic Reporting: Education Data System reporting.**

(1) Standards. Each public junior college must use data standards established by the Commissioner of Higher Education to submit required information relating to the delivery of educational programs. The Commissioner of Higher Education shall adopt and publish annually data standards in official Coordinating Board publications, including through the Coordinating Board Management (CBM) Reporting and Procedures Manual for Texas Community, Technical, and State Colleges. The Coordinating Board will widely disseminate this publication, which will include:

(A) descriptions of the data collections and submission requirements;

(B) descriptions of data elements and the codes used to report them, including data used to calculate Full-Time Student Equivalent enrollments, Texas Success Initiative eligibility of students, student transfer, dual credit or dual enrollment, the number and type of credentials conferred, and other relevant student characteristics;

(C) detailed responsibilities of public junior colleges in connection to the data submission process, including each deadline for submission and resubmission; and

(D) descriptions of data submission requirements, including submission record layout specifications and data edit specifications.

(2) A public junior college may report a student in attendance on the approved course census date for the purpose of funding under this subchapter, in accordance with Texas Education Code, §130A.008.

(3) Review Process. The Commissioner of Higher Education shall review the CBM Reporting and Procedures Manuals annually. The Commissioner of Higher Education may approve changes to the data and reporting standards outside of the annual review process to expedite implementation of data collections and reporting.

(4) Certification. The reporting official for each public junior college must certify the accuracy of the report by a certification statement submitted to the Coordinating Board's Educational Data Center in accordance with the template and instructions provided in the CBM Reporting and Procedures Manual.

(f) Academic Reporting: Ad Hoc Reporting Requests. As necessary to implement this chapter, the Commissioner of Higher Education may determine the need for additional, limited, supplemental requests for data and information from public junior colleges. To the extent Ad Hoc Reporting Requests may determine or influence funding disbursements under this subchapter, the Coordinating Board shall require the reporting official or another Coordinating Board designated official for each public junior college to certify the accuracy of the information contained in the report.

§13.528. Recovery of Overallocated Funds.

(a) If the Coordinating Board determines after closing out a fiscal year pursuant to subchapter P, §13.477, of this chapter (relating to Close Out), or any close-out or settle-up provisions contained in subchapter S of this chapter, that a data reporting error or any other error resulted in an overallocation of funds to the institution, the Coordinating Board shall use any method authorized under statute or this rule to make a funding adjustment necessary to correct the over-allocation.

(b) The Coordinating Board shall notify the institution not later than 30 business days after the Commissioner of Higher Education makes a determination of a data reporting error under §13.525 of this subchapter (relating to Commissioner Review of Required Reporting; Data Reporting Errors) or otherwise identifies an error requiring a funding adjustment to recover an overallocation. This

notification must contain the amount of the overallocation and the basis for the determination.

(c) The institution may submit a written appeal to the Commissioner of Higher Education within 30 business days of receiving notification of an overallocation. The institution may attach any data or other written documentation that supports its appeal. The Commissioner of Higher Education shall review the appeal and determine in his or her sole discretion whether to affirm, deny, or modify the determination of overallocation within 30 business days of receipt. The Commissioner of Higher Education or Chief Audit Executive shall make an annual report of overallocation determinations to the Board.

(d) If the institution does not appeal or the Commissioner of Higher Education affirms the determination that an overallocation requiring a funding adjustment has occurred, the Coordinating Board shall recover an amount equal to the amount overallocated to the public junior college through one of the following methods:

(1) The Coordinating Board shall:

(A) withhold an amount equivalent to the overallocation by withholding from subsequent allocations of state funds for the current fiscal year as part of the close out of the current fiscal year; or

(B) request and obtain a refund from the public junior college during the current fiscal year an amount equivalent to the amount of the overallocation; or

(C) If the Commissioner of Higher Education in his or her sole discretion determines that the recovery of an overallocation in the current or subsequent fiscal year will have a substantial negative impact on the operations of the institution or the education of students, the Commissioner of Higher Education may instead recover the overallocation pursuant to subsection (d)(2) of this section.

(2) If the Commissioner of Higher Education in his or her sole discretion determines that an overallocation pursuant to paragraphs (1) or (2) of this section was the result of exceptional circumstances reasonably caused by statutory changes to Texas Education Code, Chapters 130 or 130A, and related reporting requirements, the Coordinating Board may recover the overallocation over a period not to exceed the subsequent five fiscal years.

(e) In addition to the recovery of an over-allocation under this section, the Commissioner of Higher Education may establish a corrective action plan for a public junior college that has received an over-allocation of funds.

(f) If the public junior college fails to comply with an agreement to submit a refund established under this section, the Coordinating Board must report to the Comptroller of Public Accounts for recovery pursuant to Texas Education Code, Section 130A.009.

§13.529. Payment of Under-allocated Funds.

If the Commissioner of Higher Education determines that a data reporting error or any other error resulted in an under-allocation of funds, the Coordinating Board shall provide the funds to the institution pursuant to the close-out process in subchapter P, §13.477, of this chapter (relating to Close Out), any close-out or settle up provisions contained in subchapter S of this chapter, or as otherwise authorized by law.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 15. RESEARCH FUNDS

SUBCHAPTER B. TEXAS UNIVERSITY FUND

19 TAC §§15.20 - 15.30

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 15, Subchapter B, §§15.20 - 15.30, concerning the Texas University Fund (TUF) without changes to the proposed text as published in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6309). The rules will not be republished.

Specifically, the rules govern the eligibility, distribution methodology, and reporting for the TUF and implementation of eligibility requirements for the National Research Support Fund (NRSF) in accordance with changes made by House Bill (H.B.) 1595, 88th Texas Legislature, Regular Session. Voters approved Proposition 5, relating to research funds at general academic institutions, on November 7, 2023, which allowed the provisions of H.B. 1595 to take effect on January 1, 2024. The Coordinating Board convened a negotiated rulemaking committee comprised of higher education institutional representatives in accordance with Texas Education Code (TEC), Section 61.0331, on August 3, 2023, to develop the rules.

Chapter 15 title is amended to revise the name from National Research Universities to Research Funds to more accurately reflect the rules in this section of administrative code.

Rule 15.20 establishes the purpose of the subchapter to govern the receipt and allocation of funds distributed from the TUF. The rule also establishes the portions of the TEC that authorize the Coordinating Board to adopt rules pertaining to the TUF and rules governing the eligibility threshold of research expenditures for the NRSF.

Rule 15.21 lists definitions pertinent to the TUF. Paragraphs (2), (3), and (5) specify three distinct entities: "Board," meaning the nine-member appointed governing body of the Texas Higher Education Coordinating Board; "Coordinating Board," meaning the state agency as a whole; and "Coordinating Board Staff or Board Staff," meaning the staff of the agency. Separating these terms allows the Coordinating Board to make a distinction between actions taken by the governing body, agency staff, and the agency as a whole.

Paragraphs (6) and (10) establish the federal and private expenditures eligible for inclusion in the TUF eligibility and distribution criteria. Institutions report federal and private expenditures to the Coordinating Board under Texas Administrative Code, Chapter 13, Subchapter M, Total Research Expenditures. Federal and private expenditures exclude amounts that do not meet the Coordinating Board's narrow definition of research and development expenditures, including unrecovered indirect administration and pass-through funds to other public institutions of higher education. Pass-throughs to certain sectors of higher education would result in the state including certain research expenditures in multiple funding formulas, so separating these expenditures out in

reporting allows the state to only include the research expenditure in funding formulas for the institution who received the pass-through funding.

Paragraphs (7), (8), and (9) define the Texas public institutions of higher education that are subject to the exclusion pertaining to pass-through funding.

Paragraph (12) defines a TUF-eligible institution as one listed in H.B. 1595 or an institution that becomes eligible by reaching the statutorily required thresholds.

Rule 15.22 and §15.23 define the institutions eligible to receive distributions from the TUF in a fiscal year in accordance with TEC 62.145, as amended by H.B. 1595. This includes listed institutions in statute as well as the eligibility requirements for a new institution to become TUF-eligible in future years. This provision provides that the Coordinating Board shall annually calculate and publish an increased threshold of research expenditures based on the increase in the Consumer Price Index for All Urban Consumers as published by the United States Department of Labor, in accordance with statutory requirements.

Rule 15.24 describes the allocation of distributions of the TUF to the Permanent Endowment for Education and Research (PEER) and the Research Performance Funding, in accordance with TEC 62.148(c), as amended by H.B. 1595.

Rule 15.25 provides for the calculation of PEER base funding for TUF-eligible institutions, in accordance with TEC 62.1481, as added by H.B. 1595, and for the Coordinating Board to confer with the Legislative Budget Board each fiscal year to determine the allocation of funding. The rule establishes two levels of Base Funding: Level 1 and Level 2. Level 1 Base Funding recipients receive the maximum allocation of PEER base funding; Level 2 Base Funding recipients receive half the amount of Level 1 Base Funding. The rule establishes the criteria an institution must meet to receive Level 1 Base Funding. The rule provides that the Coordinating Board shall annually calculate and publish an increased threshold of research expenditures as part of the entry into Level 1 Base Funding based on the increase in the Consumer Price Index for All Urban Consumers as published by the United States Department of Labor, in accordance with statutory requirements.

Rule 15.26 provides for the calculation of the Research Performance Funding, in accordance with TEC 62.1482, as added by H.B. 1595, and for the Coordinating Board to confer with the Legislative Budget Board each fiscal year to determine the allocation of funding. The rule provides that 85% of research performance funds shall be allocated in each fiscal year proportional to an institution's share of the most recent three-year average of federal and private research expenditures. The rule defines private expenditures used in the calculation of funding to include business expenditures, nonprofit expenditures, and all other expenditures. Eligible expenditures shall exclude unrecovered indirect costs and pass-through funds to other general academic teaching institutions, medical and dental units, and other agencies of higher education.

The rule provides that 15% of Research Performance Funds shall be allocated in each fiscal year proportional to an institution's share of the most recent three-year average of research doctoral degrees awarded. The Coordinating Board shall annually publish a list of eligible research doctoral degrees that qualify for purposes of calculation; these degrees include an academic degree beyond the level of a master's degree that typically represents the highest level of formal study or research in a given field

and that requires completion of original research. This list shall be updated by Coordinating Board staff to reflect all degree titles included in the most recently published National Science Foundation Survey of Earned Doctorates and any additional degree titles identified by the Commissioner of Higher Education.

Rule 15.27 provides for the calculation of the legislative appropriations required to be appropriated for a new institution to become TUF-eligible or for a Level 2 Base Funding institution to receive Level 1 Base Funding. The calculation maintains existing TUF-eligible institutions or Level 1 Base Funding recipients' share of the Permanent Endowment for Education and Research.

Rule 15.28 defines the percentage share of the market value of the TUF that may be reported by TUF-eligible institutions for financial reporting purposes. The percentage share is based on an institution's receipt of Level 1 or Level 2 Base Funding from the PEER and the market value as of August 31 of the reported fiscal year, as determined by the Comptroller of Public Accounts.

Rule 15.29 requires the Coordinating Board to annually publish the metrics pertaining to the TUF for all general academic institutions each fiscal year.

Rule 15.30 provides that the Coordinating Board shall annually calculate and publish an increased threshold of research expenditures as part of the eligibility requirements for the NRSF based on the increase in the Consumer Price Index for All Urban Consumers as published by the United States Department of Labor, in accordance with TEC 62.132, as amended by H.B. 1595.

No comments were received regarding the adoption of the new rules.

The new subchapter is adopted under Texas Education Code, Section 62.132, as added by Section 6 of H.B. 1595, 88th Texas Legislature, Regular Session, which provides for the Coordinating Board to set the eligibility threshold for the National Research Support Fund by rule, and Section 62.152, as added by Section 19 of H.B. 1595, which provides the Coordinating Board with rulemaking authority to implement the new Texas University Fund.

The adopted new subchapter affects Texas Education Code, Sections 62.132 and 62.141 - 62.152.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 427-6548



SUBCHAPTER C. NATIONAL RESEARCH UNIVERSITY FUND

19 TAC §§15.40 - 15.44

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 15, Subchapter C, §§15.40 - 15.44, National Research University Fund (NRUF), without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5917). The rules will not be republished.

The Coordinating Board adopts the repeal of this subchapter in accordance with changes made by House Bill (HB) 1595, 88th Legislature, Regular Session. Voters approved Proposition 5, relating to research funds at general academic institutions, on November 7, 2023, which allowed the provisions of HB 1595 to take effect on January 1, 2024. The Coordinating Board convened a negotiated rulemaking committee comprised of higher education institutional representatives in accordance with Texas Education Code, Section 61.0331, on August 3, 2023, to develop the proposed rules.

Rules 15.40 - 15.42 establish the purpose, authority, and definitions related to the NRUF. Rule 15.43 establishes the precise criteria for eligibility to receive a distribution from the NRUF, and Rule 15.44 provides for the process by which institutions report data on the criteria to the Coordinating Board and the Coordinating Board certifies eligibility of an institution to receive an NRUF distribution to the Comptroller of Public Accounts and State Auditor's Office.

As part of the changes enacted by HB 1595, statute eliminates the NRUF and recreates it as the Texas University Fund (TUF). The Coordinating Board therefore repeals the NRUF rules and replaces them with a new section outlining the eligibility, distribution methodology, and reporting requirements for the TUF.

No comments were received regarding the adoption of the repeal.

The repeal is adopted in accordance with changes made by Tex. HB 1595, 88th Leg., R.S. (2023), which eliminates the National Research University Fund and re-creates it as the Texas University Fund.

The adopted repeal affects Texas Education Code, §§62.141 - 62.149.

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CHAPTER 21. STUDENT SERVICES SUBCHAPTER D. TEXAS FIRST EARLY HIGH SCHOOL COMPLETION PROGRAM

19 TAC §21.51, §21.52

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 21, Subchapter D, §21.51 and §21.52, Texas First Early High School Completion Program, without changes to the proposed text as published in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6313). The rules will not be republished.

Rule 21.51 aligns the description of institutions eligible to participate in the program with recent legislative changes. The adopted amendments reflect the expansion of the program to all Texas public institutions of higher education to align with statutory amendments to Texas Education Code, §28.0253, enacted on September 1, 2023, through Senate Bill 2294, 88th Texas Legislature, Regular Session. The amendments add definitions for the terms used in statute and this subchapter governing applicability of the program, including definitions for public high school and open-enrollment charter school.

No comments were received regarding the adoption of the amendments.

The amendments are adopted under Texas Education Code, Section 56.227, which provides the Coordinating Board with the authority to adopt rules necessary to implement this subchapter.

The adopted amendments affect Texas Education Code, Chapter 56, Subchapter K-1.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §22.1

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 22, Subchapter A, §22.1, General Provisions, with changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5918). The rule will be republished.

The adopted amendment modifies the definitions based on the consensus reached by the negotiated rulemaking committee on the Texas Educational Opportunity Grant (August 2, 2023).

Rule 22.1, Definitions, is amended to remove the definition of "entering undergraduate." The definition has been moved to the individual subchapters that are affected by the definition, specifically, subchapter L, §22.226, of this chapter for the Towards Excellence, Access, and Success (TEXAS) Grant Program, and subchapter M, §22.254, of this chapter for the Texas Educational

Opportunity Grant Program. The definitions of Board, the Commissioner, and the Coordinating Board are also amended to provide greater clarity to these terms. The republished rule revises the definition of "equivalent of a semester credit hour" and adds definitions of "credit" and "semester credit hour." These changes were made to provide greater clarity to the process for converting continuing education enrollment to semester credit hours. This clarity is necessary to implement the substantive changes upon which the Negotiated Rulemaking Committee on Texas Educational Opportunity Grant reached consensus (August 2, 2023).

The republished rule corrects the definition of "expected family contribution" to reflect the definition as it was amended to be effective May 18, 2023.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 61.0331, which provides the Coordinating Board with the authority to undertake negotiated rulemaking when proposing a rule relating to the allocation or distribution of funds, including financial aid or other trustee funds.

The adopted amendment affects Texas Education Code, Chapter 56, Subchapter P.

§22.1. Definitions.

The following words and terms, when used in Chapter 22, shall have the following meanings, unless otherwise defined in a particular subchapter:

(1) Academic Year--The combination of semesters defined by a public or private institution of higher education to fulfill the federal "academic year" requirement as defined by 34 CFR 668.3.

(2) Attempted Semester Credit Hours--Every course in every semester for which a student has been registered as of the official Census Date, including but not limited to, repeated courses and courses the student drops and from which the student withdraws. For transfer students, transfer hours and hours for optional internship and cooperative education courses are included if they are accepted by the receiving institution towards the student's current program of study.

(3) Awarded--Offered to a student.

(4) Board--The governing body of the agency known as the Texas Higher Education Coordinating Board.

(5) Categorical Aid--Gift aid that the institution does not award to the student, but that the student brings to the school from a non-governmental third party.

(6) Commissioner--Commissioner of Higher Education.

(7) Coordinating Board--The agency known as the Texas Higher Education Coordinating Board and its staff.

(8) Cost of Attendance/Total Cost of Attendance--An institution's estimate of the expenses incurred by a typical financial aid recipient in attending a particular institution of higher education. It includes direct educational costs (tuition and fees) as well as indirect costs (room and board, books and supplies, transportation, personal expenses, and other allowable costs for financial aid purposes).

(9) Credit--College credit earned through the successful completion of a college career and technical education or academic course that fulfills specific requirements necessary to obtain an industry-recognized credential, certificate, associate degree, or other academic degree.

(10) Degree or certificate program of four years or less--A baccalaureate degree, associate degree, or certificate program other than a program determined by the Board to require four years or more to complete.

(11) Degree or certificate program of more than four years--A baccalaureate degree or certificate program determined by the Board to require more than four years to complete.

(12) Encumber--Program funds that have been officially requested by an institution through procedures developed by the Coordinating Board.

(13) Equivalent of a semester credit hour-- A unit of measurement for a continuing education course, determined as a ratio of one continuing education unit to 10 contact hours of instruction, which may be expressed as a decimal. 1.6 continuing education units of instruction equals one semester credit hour of instruction. In a continuing education course, not fewer than 16 contact hours are equivalent to one semester credit hour.

(14) Expected Family Contribution (EFC)--A measure utilized to calculate a student's financial need as regulated and defined by the methodology used for federal student financial aid.

(15) Financial Need--The Cost of Attendance at a particular public or private institution of higher education less the Expected Family Contribution. The Cost of Attendance and Expected Family Contribution are to be determined in accordance with Board guidelines.

(16) Full-Time--For undergraduate students, enrollment or expected enrollment for the equivalent of twelve or more semester credit hours per semester. For graduate students, enrollment or expected enrollment for the normal full-time course load of the student's program of study as defined by the institution.

(17) Gift Aid--Grants, scholarships, exemptions, waivers, and other financial aid provided to a student without a requirement to repay the funding or earn the funding through work.

(18) Graduate student--A student who has been awarded a baccalaureate degree and is enrolled in coursework leading to a graduate or professional degree.

(19) Half-Time--For undergraduates, enrollment or expected enrollment for the equivalent of at least six but fewer than nine semester credit hours per regular semester. For graduate students, enrollment or expected enrollment for the equivalent of 50 percent of the normal full-time course load of the student's program of study as defined by the institution.

(20) Period of enrollment--The semester or semesters within the current state fiscal year (September 1 - August 31) for which the student was enrolled in an approved institution and met all eligibility requirements for an award through this program.

(21) Program Officer--The individual named by each participating institution's chief executive officer to serve as agent for the Board. The Program Officer has primary responsibility for all ministerial acts required by the program, including the determination of student eligibility, selection of recipients, maintenance of all records, and preparation and submission of reports reflecting program transactions. Unless otherwise indicated by the institution's chief executive officer, the director of student financial aid shall serve as Program Officer.

(22) Residency Core Questions--A set of questions developed by the Coordinating Board to be used to determine a student's eligibility for classification as a resident of Texas, available for downloading from the Coordinating Board's website, and incorporated into the ApplyTexas application for admission.

(23) Resident of Texas--A resident of the State of Texas as determined in accordance with Chapter 21, Subchapter B of this title (relating to Determination of Resident Status). Nonresident students who are eligible to pay resident tuition rates are not residents of Texas.

(24) Semester--A payment period, as defined by 34 CFR 668.4(a) or 34 CFR 668.4(b)(1).

(25) Semester Credit Hour--A unit of measure of instruction, represented in intended learning outcomes and verified by evidence of student achievement, that reasonably approximates one hour of classroom instruction or direct faculty instruction and a minimum of two hours out of class student work for each week over a 15-week period in a semester system or the equivalent amount of work over a different amount of time. An institution is responsible for determining the appropriate number of semester credit hours awarded for its programs in accordance with Federal definitions, requirements of the institution's accreditor, and commonly accepted practices in higher education.

(26) Three-Quarter-Time--For undergraduate students, enrollment or expected enrollment for the equivalent of at least nine but fewer than 12 semester credit hours per semester. For graduate students, enrollment or expected enrollment for the equivalent of 75 percent of the normal full-time course load of the student's program of study as defined by the institution.

(27) Timely Distribution of Funds--Activities completed by institutions of higher education related to the receipt and distribution of state financial aid funding from the Board and subsequent distribution to recipients or return to the Board.

(28) Undergraduate student--An individual who has not yet received a baccalaureate degree.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER K. TEXAS TRANSFER GRANT PROGRAM

19 TAC §§22.200 - 22.210

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 22, Subchapter K, §§22.200 - 22.210, Texas Transfer Grant Program, with changes to §§22.201, 22.203, and 22.208 proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5920). The rules will be republished. Sections 22.200, 22.202, 22.204 - 22.207, 22.209, and 22.210 are adopted without changes and will not be republished.

These new sections will outline the authority and purpose, definitions, institutional eligibility requirements, student eligibility re-

quirements, satisfactory academic progress requirements, discontinuation of eligibility, hardship provisions, priorities in making grants, grant amounts, allocation of funds, and disbursement of funds, which are necessary to administer the Texas Transfer Grant Program.

Rule 22.200 indicates the specific sections of the Texas Government Code that provides the agency with authority to issue these rules, as well as the purpose of the Texas Transfer Grant Program.

Rule 22.201 provides definitions for words and terms within the Texas Transfer Grant Program rules. The definitions provide clarity for words and terms that are integral to the understanding and administration of the rules. The republished rule also captures changes to the text regarding the correction of a reference to the phrase "Coordinating Board" to align with amendments being adopted in Rule 22.1.

Rule 22.202 outlines the eligibility requirements that institutions must fulfill to participate in the program. The requirements are adopted to align with the Towards EXcellence, Access, and Success (TEXAS) Grant Program, as both programs serve students in the same institutional sector.

Rule 22.203 outlines the eligibility requirements that a student must meet to allow an institution to provide the students with a grant through the program. The adopted requirements include expectations that exist within the TEXAS Grant program, such as the requirement to be a Texas resident, to show financial need, to be enrolled in a baccalaureate degree program, to make satisfactory academic progress, and to comply with applicable Selective Service registration expectations. The adopted requirements also include expectations that are specifically targeted toward achieving the public benefit of the program, such as full-time enrollment, having completed associate degrees with at least a 2.5 grade point average at a public two-year institution to include completion of the core curriculum or an abbreviated core curriculum related to a specific approved field of study curriculum, and enrolling in a baccalaureate degree program at an eligible institution within one year of ceasing to be enrolled in a two-year public institution.

Rule 22.204 outlines the satisfactory academic progress that students must achieve to receive a grant through the program. The adopted requirement allows the participating institution to use satisfactory academic progress guidelines already in place for determining eligibility for federal financial aid programs.

Rule 22.205 outlines the situations in which a student is not eligible to receive a grant through the program. To acknowledge the goal of assisting students in completing degrees, a student may not receive a grant after completion of a baccalaureate degree. To acknowledge the limited state resources available for financial aid programs, a student may not simultaneously receive a grant through this program and the TEXAS Grant program. To encourage timely completion of a baccalaureate degree, a student may not receive a grant after having been enrolled in the baccalaureate program for two years (three years if the degree program is more than four years), nor may the student receive the grant after attempting 135 semester credit hours.

Rule 22.206 outlines provisions that permit an institution to develop a policy that allows an otherwise ineligible student to receive a grant through the program when unique hardships justify an exception. The provisions are adopted to align with similar provisions in the TEXAS Grant program. When justified and documented, these provisions may be used in relation to a stu-

dent enrolling less than full-time, failing to meet satisfactory academic progress requirements, maintaining enrollment for more than two years (three years if the degree program is more than four years), attempting more than 135 semester credit hours, or failing to enroll in a baccalaureate program within one year of ceasing to be enrolled in a two-year public institution.

Rule 22.207 outline priorities that institutions will use in determining how to select grant recipients when funding does not allow for all eligible recipients to receive grants through the program. Similar justifications exist in the TEXAS Grant program. Priority would first go toward prior recipients. For first-time recipients, priority would go to those who have demonstrated an expected family contribution that does not exceed the expected family contribution used for similar purposes in the TEXAS Grant program, with highest priority given to eligible students with the highest levels of academic achievement prior to transfer as determined by the participating institution.

Rule 22.208 outlines the maximum grant amount that a participating institution may provide to an eligible student. The maximum grant amount will be aligned with the maximum grant amounts calculated for the TEXAS Grant program under §22.234 of this chapter.

Rule 22.209 provides the allocation formula that will be used to determine the amount of funding that each participating institution will be provided for the program. The allocation formula is modeled after the criteria utilized in the allocation methodology for first-time recipients of the TEXAS Grant program. This rule is adopted based on Texas Education Code, §61.07761, which directs the Coordinating Board to establish and publish allocation methodologies and develop procedures to verify the accuracy of the calculations.

Rule 22.210 outlines the way the Coordinating Board will use to disburse funding to participating institutions. This rule aligns with the way the Coordinating Board disburses funding for other state financial aid grant programs.

Unless otherwise noted, these sections are adopted based on General Appropriations Act, 88th Leg. R.S., H.B. 1, art. III-52 ch. 1170, Rider 56, which authorizes the Coordinating Board to administer programs and trustee funds for financial aid and other grants as necessary to achieve the state's long-range goals and as directed by the legislature. Rule making to administer the Texas Transfer Grant Program is authorized by Texas Administrative Procedure Act, Texas Government Code §2001.003(6) which requires the agency to prescribe law or policy via rule making.

The following comments were received regarding the adoption of the new rules.

Comment: Texas State University indicated that the eligibility requirements in Rule 22.203 are unclear on how an institution would handle a situation where the student received an associate degree through the reverse transfer process after they enrolled at the institution.

Response: The Coordinating Board acknowledges the lack of clarity. As such, Rule 22.203(a)(7)(C) has been added to provide clarity that the associate degree coursework must have been completed prior to enrollment in a baccalaureate degree program at the institution offering a Texas Transfer Grant.

Comment: Texas State University indicated that confirmation of the associate degree may not be received until after the student enrolls and/or begins classes. As a result, the determination re-

quired for Rule 22.203(a)(7) may not occur in time for the student to be notified about grant eligibility prior to enrollment in the baccalaureate degree program.

Response: The Coordinating Board acknowledges the concern raised and notes that institutions face a similar challenge regarding associate degrees in the Toward EXcellence, Access, and Success (TEXAS) Grant Program. As such, Rule 22.203(b) has been added to provide guidance on situations where the institution offers the grant based on the expectation that the student will meet the requirements in Rule 22.203(a)(7).

Comment: Texas State University indicated that the language of Rule 22.208(b)(2) does not align with the comparable language in Rule 22.234 for the TEXAS Grant Program.

Response: The Coordinating Board acknowledges that the preamble indicates that Rule 22.208 is meant to align with the TEXAS Grant Program. As such, Rule 22.208(b)(2) has been revised to align with the TEXAS Grant Program.

The new sections are adopted under Texas Administrative Procedure Act, Texas Government Code §2001.003(6) which requires the agency to prescribe law or policy via rule making.

The adopted new sections affect General Appropriations Act, 88th Leg. R.S., H.B. 1, art. III-52 ch. 1170, Rider 56.

§22.201. *Definitions.*

In addition to the words and terms defined in §22.1 of this chapter (relating to Definitions), the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. In the event of conflict, the definitions in this subchapter shall control.

(1) Encumbered Funds--Funds ready for disbursement to the institution, based on the institution having submitted to the Coordinating Board the required documentation to request funds.

(2) Grant--A Texas Transfer Grant provided through the Texas Transfer Grant Program.

(3) Program--The Texas Transfer Grant Program.

§22.203. *Eligible Students.*

(a) To qualify for a grant through the Program, a student must:

(1) have Texas resident status, as determined by chapter 21, subchapter B of this title (relating to Determination of Resident Status);

(2) show financial need in the semester(s) in which a grant is offered;

(3) have applied for any available financial aid assistance;

(4) be enrolled in a baccalaureate degree program at an eligible institution;

(5) be enrolled full-time in the semester(s) in which a grant is offered unless granted a hardship waiver of this requirement under §22.206 of this subchapter (relating to Hardship Provisions);

(6) make satisfactory academic progress toward the baccalaureate degree at the eligible institution, as defined in §22.204 of this subchapter (relating to Satisfactory Academic Progress) unless the student is granted a hardship extension in accordance with §22.206 of this subchapter (relating to Hardship Provisions);

(7) have been awarded an associate degree by a public junior college as defined in Texas Education Code, §61.003(2); public technical institute as defined in Texas Education Code, §61.003(7); or

public state college as defined in Texas Education Code, §61.003(16), and credit hours earned toward completion of the associate degree must:

(A) include completion of the core curriculum or an abbreviated core curriculum related to a specific approved field of study curriculum transferable to one or more general academic teaching institutions;

(B) have been completed with at least a 2.5 grade point average; and

(C) have been completed prior to enrolling in a baccalaureate degree program at the institution offering a grant through this Program.

(8) unless granted a hardship postponement in accordance with §22.206 of this subchapter (relating to Hardship Provisions), have enrolled in the baccalaureate degree program at the eligible institution on a full-time basis not later than the end of the 12th month after the calendar month in which the student ceased being enrolled in a public junior college as defined in Texas Education Code, §61.003(2); public technical institute as defined in Texas Education Code, §61.003(7); or public state college as defined in Texas Education Code, §61.003(16); and

(9) meet applicable standards outlined in §22.3 of this chapter (relating to Student Compliance with Selective Service Registration).

(b) If a student's eligibility was based on the expectation that the student would meet the requirements in subsection (a)(7), and the student failed to do so, then the student is no longer eligible for a grant through this Program.

(1) If the institution offers the grant based on the expectation that the student would meet the requirements in subsection (a)(7) and does not become aware that the student failed to meet these requirements until after the first disbursement of the grant has been made to the student, then the institution reserves the right to require the student to repay the amount that was previously received.

(2) In no case may a student receive a subsequent disbursement of a grant through the Program after the institution has become aware that the student failed to meet the requirements in subsection (a)(7).

§22.208. *Grant Amounts.*

(a) Funding. The Coordinating Board may not award through this program an amount that exceeds the amount of state appropriations and other funds that are available for this use.

(b) Grant Amounts.

(1) The Commissioner shall determine and announce the maximum grant amounts in a given state fiscal year by January 31 of the prior fiscal year. The calculation of the maximum amount will be consistent with the maximum grant forward for TEXAS Grant for the semester as set out in subchapter L of this chapter (relating to Toward Excellence, Access, and Success (TEXAS) Grant Program).

(2) The amount of a Grant offered through an eligible public institution may not be reduced by any gift aid for which the person receiving the grant is eligible, unless the total amount of a person's grant plus any aid other than loans received equals or exceeds the student's financial need.

(c) The Commissioner shall make grant calculations in accordance with §22.11 of this chapter (relating to Provisions specific to the TEXAS Grant, TEOG, TEG, and Texas Work-Study Programs).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER L. TOWARD EXCELLENCE, ACCESS, AND SUCCESS (TEXAS) GRANT PROGRAM

19 TAC §22.226

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 22, Subchapter L, §22.226, Toward EXcellence, Access, and Success (TEXAS) Grant, without changes to the proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5924). The rule will not be republished.

This amendment makes non-substantive conforming changes based on the consensus reached by the negotiated rulemaking committee on Texas Educational Opportunity Grant Program (August 2, 2023).

Rule 22.226, Definitions, is amended to add the definition of "entering undergraduate." This definition is being removed from Chapter 22, Subchapter A, General Provisions, and added to Chapter 22, Subchapter L, TEXAS Grant Program, verbatim to maintain consistency in the TEXAS Grant Program. Subsequent definitions were appropriately renumbered.

Texas Education Code, §61.0331, requires negotiated rulemaking when adopting a rule related to the allocation or distribution of funding, including financial aid and other trusteed funds. Texas Education Code, §61.07761, requires the Coordinating Board to establish and publish the allocation methodologies and to develop procedures to verify the accuracy of the application of those allocation methodologies by Coordinating Board staff.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 61.0331, which provides the Coordinating Board with the authority to undertake negotiated rulemaking when adopting a rule relating to the allocation or distribution of funds, including financial aid or other trusteed funds.

The adopted amendment affects Texas Education Code, Chapter 56, Subchapter M.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER M. TEXAS EDUCATIONAL OPPORTUNITY GRANT PROGRAM

19 TAC §§22.254, 22.256 - 22.259, 22.261, 22.262, 22.264

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 22, Subchapter M, §§22.254, 22.256 - 22.259, 22.261, 22.262, and 22.264, Texas Educational Opportunity Grant Program, with changes to §§22.254, 22.262, and 22.264 proposed text as published in the October 13, 2023, issue of the *Texas Register* (48 TexReg 5925). The rule will be republished. Sections 22.256 - 22.259, and 22.261 are adopted without changes and will not be republished.

The adopted amendments are necessary to implement the substantive changes upon which the Negotiated Rulemaking Committee on Texas Educational Opportunity Grant reached consensus (August 2, 2023). The republished rules capture changes to the proposed text regarding the correction of references to the phrase "Coordinating Board" to align with amendments being adopted in Rule 22.1 in conjunction with this negotiated rulemaking effort.

The negotiated rulemaking committee established a definition for "certificate program" to acknowledge the role that certificate programs play in achieving the state's goals as outlined in Building a Talent Strong Texas. The definition provides institutions with greater flexibility to acknowledge the broadening range of credentials that support the success of Texans. Rule 22.254 is republished to add the definition of "career and technical education course" and revise the definition of "certificate program" to provide even greater clarity that certificate programs eligible for TEOG consideration may be offered through either academic courses or career and technical education courses. The negotiated rulemaking committee also amended the definition of "entering undergraduate" to increase the number of credit hours under which a student will be considered an entering undergraduate. The change provides eligible institutions with greater flexibility to acknowledge the variety of pathways that students may take to starting an associate degree or certificate program.

Rule 22.256 is amended to make a non-substantive change. The text defining "entering undergraduate" was removed from §22.226 of this chapter and added to §22.256 verbatim to maintain consistency in the TEXAS Grant program.

Rule 22.257 is amended to include language acknowledging semester credit hour equivalency. The acknowledgment of semester hour equivalency exists throughout subchapter M but had been inadvertently left out of §22.257.

Rule 22.258 is amended to correct a non-substantive grammatical error.

Rule 22.259 is amended to include language acknowledging semester credit hour equivalency. The acknowledgment of semester hour equivalency exists throughout subchapter M but had been inadvertently left out of §22.259. The rule is also amended to acknowledge certificate programs, which are acknowledged throughout subchapter M but had been inadvertently left out of §22.259.

Rule 22.261 is amended to alter the calculation of the maximum grant program. The amended calculation recognizes both in-district and out-of-district resident students. The negotiated rulemaking committee views this change as a better representation of the grant calculation outlined in Texas Education Code, Section 56.407(a). The amendment will require an alteration to the manner in which institutions calculate a data element submitted through the Coordinating Board's Integrated Fiscal Reporting system which is used for this purpose. The rule is also amended to reflect the statutory change enacted by House Bill 8, 88th Texas Legislature, Regular Session. The amendment provides eligible institutions clarity regarding the statutory change and its effective date. The amendment also makes non-substantive changes to remove redundant text.

Rule 22.262 is amended to make non-substantive changes that remove outdated references to prior amendments, provide clarity to amendments completed during prior negotiated rulemaking activities, and remove text that is being moved to new rule §22.265 of this chapter

Rule 22.264 is amended to make non-substantive changes that remove outdated references to prior amendments, provide clarity to amendments completed during prior negotiated rulemaking activities, and remove text that is being moved to new rule §22.265 of this chapter.

The following comments were received regarding the adoption of the amendments.

Comment: The Commit Partnership recommended the Coordinating Board further define a "half-time" contact hour equivalency specifically for continuing education students pursuing certificates or short-term credentials, with the goal of providing greater clarity that continuing education students pursuing certificates or short-term credentials are eligible for TEOG.

Response: Amendments being adopted and republished in Rule 22.1 in conjunction with this negotiated rulemaking provide a revised definition for the "equivalent of a semester credit hour," along with the addition of the definitions of "credit" and "semester credit hour." The republished definitions, in combination with the existing definition of "half-time," accomplish the goal of providing greater clarity regarding half-time status. In addition to the changes in Rule 22.1, the definitions in Rule 22.254 are republished to add the definition of "career and technical education course" and to revise the definition of "certificate program." The republished definitions provide greater clarity that certificates may be offered using academic courses or career and technical education courses.

Comment: The Commit Partnership recommended the Coordinating Board change all references to "expected family contribution" with references to "student aid index," in response to changes in terminology occurring at the federal level.

Response: In May 2023, Rule 22.1 was amended to update the definition of "expected family contribution" for the entirety of Title 19, Part 1, Chapter 22. The definition now reads as follows, "A measure utilized to calculate a student's financial need as

regulated and defined by the methodology used for federal student financial aid." The Coordinating Board has determined that this updated definition accomplished the goal of reflecting the changes in the new terminology in the federal methodology. As such, no change is being made in response to this comment.

The amendments are adopted under Texas Education Code, Section 61.0331, which provides the Coordinating Board with the authority to undertake negotiated rulemaking when adopting a rule relating to the allocation or distribution of funds, including financial aid or other trusted funds.

The adopted amendments affect Texas Education Code, Chapter 56, Subchapter P.

§22.254. *Definitions.*

In addition to the words and terms defined in §22.1 of this chapter (relating to Definitions), the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Career and Technical Education Course--A workforce or continuing education college course offered by an institution of higher education for which a student may earn credit toward satisfaction of a requirement necessary to obtain an industry-recognized credential, certificate, or associate degree.

(A) A career and technical education course is listed in the Workforce Education Course Manual (WECM).

(B) For the purpose of this subchapter, this definition excludes:

(i) an avocational course;

(ii) a continuing education course that is ineligible for conversion as articulated college credit; and

(iii) a continuing education course that does not meet the institution's program or instructor accreditation standards.

(2) Certificate Program--For purposes of the Texas Educational Opportunity Grant Program, Level 1 and Level 2 certificates, Occupational Skills Awards, and other credentials of value as defined in §13.472 of this chapter (relating to Definitions). These include programs offered through academic courses or through career and technical education courses, as defined in paragraph (1) of this subsection.

(3) Continuation Award--A grant awarded to a person who has previously received an initial year award.

(4) Entering undergraduate--A student enrolled in the first 45 semester credit hours or their equivalent, excluding hours taken during dual enrollment in high school and courses for which the student received credit through examination.

(5) Forecast--The FORECAST function in Microsoft Excel.

(6) Grant--Funds awarded to a student through the Texas Educational Opportunity Grant Program.

(7) Initial year award--The grant award made in the student's first year in the Program.

(8) Program--The Texas Educational Opportunity Grant Program.

§22.262. *Allocation of Funds - Public Junior Colleges.*

(a) Allocations are to be determined on an annual basis as follows:

(1) The allocation base for each eligible institution will be the number of students it reported in the most recent certified Financial Aid Database submission who met the following criteria:

(A) were classified as Texas residents,

(B) were enrolled as undergraduates in an associate degree or certificate program half-time, three-quarter time or full-time, and

(C) have a 9-month Expected Family Contribution, calculated using federal methodology, less than or equal to the Federal Pell Grant eligibility Expected Family Contribution cap for the year reported in the Financial Aid Database submission.

(2) Each institution's percent of the available funds will equal its percent of the state-wide need as determined by multiplying each institution's enrollments by the respective award maximums of students who meet the criteria in subsection (a)(1) of this section.

(3) Allocations for both years of the state appropriations' biennium will be completed at the same time. The three most recent certified Financial Aid Database submissions will be utilized to forecast the data utilized in the calculation of the allocation for the second year of the biennium. Institutions will receive notification of their allocations for both years of the biennium at the same time.

(4) Allocation calculations will be shared with all participating institutions for comment and verification prior to final posting and the institutions will be given 10 working days, beginning the day of the notice's distribution and excluding State holidays, to confirm that the allocation report accurately reflects the data they submitted or to advise the Coordinating Board of any inaccuracies.

(b) Reductions in Funding.

(1) If annual funding for the program is reduced after the start of a fiscal year, the Coordinating Board may take steps to help distribute the impact of reduced funding across all participating institutions by an across-the-board percentage decrease in all institutions' allocations.

(2) If annual funding is reduced prior to the start of a fiscal year, the Coordinating Board may recalculate the allocations according to the allocation methodology outlined in this rule for the affected fiscal year based on available dollars.

§22.264. *Allocation of Funds - Public Technical and State Colleges.*

(a) Allocations are to be determined on an annual basis as follows:

(1) The allocation base for each eligible institution will be the number of students it reported in the most recent certified Financial Aid Database submission who met the following criteria:

(A) were classified as Texas residents;

(B) were enrolled as undergraduates in an associate degree or certificate program half-time, three-quarter time, or full-time; and

(C) have a 9-month Expected Family Contribution, calculated using federal methodology, less than or equal to the Federal Pell Grant eligibility Expected Family Contribution cap for the year reported in the Financial Aid Database submission.

(2) Each institution's percent of the available funds will equal its percent of the state-wide need as determined by multiplying each institution's enrollments by the respective award maximums of students who meet the criteria in subsection paragraph (1) of this subsection.

(3) Allocations for both years of the state appropriations' biennium will be completed at the same time. The three most recent certified Financial Aid Database submissions will be utilized to forecast the data utilized in the calculation of the allocation for the second year of the biennium. Institutions will receive notification of their allocations for both years of the biennium at the same time.

(4) Verification of Data. Allocation calculations will be shared with all participating institutions for comment and verification prior to final posting, and the institutions will be given 10 working days, beginning the day of the notice's distribution and excluding State holidays, to confirm that the allocation report accurately reflects the data they submitted or to advise the Coordinating Board of any inaccuracies.

(b) Reductions in Funding.

(1) If annual funding for the program is reduced after the start of a fiscal year, the Coordinating Board may take steps to help distribute the impact of reduced funding across all participating institutions by an across-the-board percentage decrease in all institutions' allocations.

(2) If annual funding is reduced prior to the start of a fiscal year, the Coordinating Board may recalculate the allocations according to the allocation methodology outlined in this rule for the affected fiscal year based on available dollars.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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19 TAC §22.265

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 22, Subchapter M, §22.265, Texas Educational Opportunity Grant program, with changes to the proposed text as published in the November 3, 2023, issue of the *Texas Register* (48 TexReg 6443). The rule will be republished.

The new rule makes non-substantive conforming changes based on the consensus reached by the negotiated rulemaking committee on Texas Educational Opportunity Grant Program (August 2, 2023). Reports of negotiated rulemaking committees are public information and are available upon request from the Coordinating Board.

Rule 22.265 is added to make a non-substantive change regarding the placement of text within subchapter M. The text captured in this section, related to Disbursement of Funds to Institutions, is being removed from §22.262 and §22.264 and added in §22.265 verbatim to maintain consistency in the rule structure used in the subchapters of chapter 22. The rule explains the manner in which an institution may request its allocated funding through the

Texas Educational Opportunity Grant Program and how unused allocations are handled.

The republished rule captures changes to the proposed text regarding the correction of references to the phrase "Coordinating Board" to align with amendments being adopted in §22.1 in conjunction with this negotiated rulemaking effort.

Texas Education Code, §61.0331, requires negotiated rulemaking when adopting a rule related to the allocation or distribution of funding, including financial aid and other trusteed funds. Texas Education Code, §61.07761, requires the Coordinating Board to establish and publish the allocation methodologies and to develop procedures to verify the accuracy of the application of those allocation methodologies by Coordinating Board staff.

No comments were received regarding the adoption of the new rule.

The new rule is adopted under Texas Education Code, Section 61.0331, which provides the Coordinating Board with the authority to undertake negotiated rulemaking when adopting a rule relating to the allocation or distribution of funds, including financial aid or other trusteed funds.

The adopted new rule affects Texas Education Code, Chapter 56, Subchapter P.

§22.265. *Disbursement of Funds to Institutions.*

As requested by institutions throughout the academic year, the Coordinating Board shall forward to each participating institution a portion of its allocation of funds for timely disbursement to students. Institutions will have until the close of business on August 1, or the first working day thereafter if it falls on a weekend or holiday, to encumber program funds from their allocation. After that date, institutions lose claim to any funds in the current fiscal year not yet drawn down from the Coordinating Board for timely disbursement to students. Funds released in this manner in the first year of the biennium become available to the institution for use in the second year of the biennium. Funds released in this manner in the second year of the biennium become available to the Coordinating Board for utilization in grant processing. Should these unspent funds result in additional funding available for the next biennium's program, revised allocations, calculated according to the allocation methodology outlined in this rule, will be issued to participating institutions during the fall semester.

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**SUBCHAPTER N. TEXAS LEADERSHIP
SCHOLARS PROGRAM**

19 TAC §§22.285 - 22.297

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 22, Subchapter N, §§22.285 - 22.297, Texas Leadership Scholars Programs, without changes to the proposed text as published in the November 3, 2023, issue of the *Texas Register* (48 TexReg 6444). The rules will not be republished.

Texas Education Code (TEC), Chapter 61, Subchapter T-3, requires the Coordinating Board to adopt rules for the administration of the program, including rules providing for the amount and permissible uses of a scholarship awarded under the program. The legislation only specified student eligibility, conditions for continued participation, and authorization for institutional agreements. The new rules provide clarity and guidance to students, participating institutions, and Coordinating Board staff for the program's implementation.

Specifically, these new sections outline the authority and purpose, definitions, institutional eligibility requirements, student eligibility requirements, academic achievement support, leadership development opportunities, hardship provisions, scholarship amounts, allocation and disbursement of funds, which are necessary to administer the Texas Leadership Scholars Program.

Rule 22.285 indicates the specific sections of the TEC that provide the agency with authority to issue these rules, as well as the purpose of the Texas Leadership Scholars Program.

Rule 22.286 provides definitions for words and terms within Texas Leadership Scholars rules. The definitions provide clarity for words and terms that are integral to the understanding and administration of the Texas Leadership Scholars rules.

Rule 22.287 outlines the requirements institutions must fulfill to participate in the Texas Leadership Scholars program. The requirements are adopted to: (a) clarify the type of institution eligible to participate, and (b) provide rules specific to requirements the Coordinating Board is proposing to ensure effective administration of the Texas Leadership Scholars Program, such as the requirement that each participating institution enter into an agreement with the Coordinating Board. This section is adopted to implement Education Code, §61.897, which directs the Coordinating Board to adopt rules as necessary to implement the Texas Leadership Scholars Program. The requirement to enter into an agreement with the Coordinating Board ensures that each institution will comply with the requirements of statute and rules and ensure continuity of the program for students.

Rule 22.288 outlines the eligibility requirements students must meet to allow an institution to select a student as a scholar under the Texas Leadership Scholars Program. The requirements are adopted to: (a) gather in one place the statutory requirements for the Texas Leadership Scholars Program, including the requirements related to a student's financial need; (b) clarify aspects of the statutory requirements, including the requirements related to the student graduating with a distinguished level of achievement under the Foundation School Program, and qualified either for automatic admission, be nominated, or graduate with a Texas First Diploma; and (c) clarify aspects of the statutory requirements related to student's eligibility to continue in the program, such as making satisfactory academic progress and participation in programmatic requirements. The requirements of this section establish minimum criteria for a student to be eligible to receive a scholarship. These provisions include those required by statute and establish minimum criteria for academic achievement and financial need that are tied to criteria included in other Board rules.

This section is adopted to implement Education Code, §61.897, which directs the Coordinating Board to adopt rules as necessary to implement the Texas Leadership Scholars Program.

Rule 22.289 outlines the satisfactory academic progress requirements related to a student's eligibility to continue in the program. This standard uses satisfactory academic progress criteria included in other financial aid rules.

Rule 22.290 outlines the guidelines for scholars to transfer to another eligible institution. The requirements are adopted to: (a) clarify that scholars are eligible to transfer once during the student's eligibility period; and (b) clarify that the Coordinating Board will make sure that the scholar will receive the scholarship funds during their eligibility period. This section allows a student to continue a scholarship after matriculating to other eligible institution but only once.

Rule 22.291 outlines the process and the criteria in which institutions will select students to receive the Texas Leadership Scholars scholarship. The requirements are adopted to: (a) clarify that students will indicate interest through an application; and (b) that institutions will make selections based on a student's eligibility, evidence of leadership, service, and academic achievement. The rule provides that each institution will select its own scholars and establishes minimum criteria that the institution's are required to use in the selection process.

Rules 22.292 and 22.293 outline the requirements that institutions must fulfill to provide programmatic experiences for scholars in the program. The requirements are adopted to: (a) clarify the types of academic achievement and leadership development programmatic elements institutions must provide for scholars; and (b) clarify if the institution is unable to provide the listed programmatic elements, the process for approval for alternative programming. These requirements implement standards in Education Code, §61.895.

Rule 22.294 outlines the requirements that institutions must follow to determine when scholars are no longer eligible to participate in the Texas Leadership Scholars Program. The requirements are adopted to: (a) gather in one place the statutory requirements for the Texas Leadership Scholars Program, including the requirements related to a student's enrollment and the transfer policy; and (b) clarify the aspects of the statutory requirements, such as the student being enrolled in a baccalaureate degree and receiving the scholarship for no more than four years. These provisions implement Education Code, §61.894, by setting criteria for discontinuation of students who become ineligible to receive a scholarship.

Rule 22.295 outlines the criteria for an institution to allow an eligible scholar a hardship provision under the Texas Leadership Scholars Program. This section provides institutions with the provisions for hardship consideration and defines the conditions the hardship may include such as severe illness. This section outlines the process in which the institution must document the circumstances of the hardship and is consistent with the standards used by the Coordinating Board across other financial aid programs.

Rule 22.296 outlines the scholarship amounts and how the Coordinating Board will allocate the funds to institutions. The adopted rule provides the process in which the number of initial scholarships is determined, the number of scholarships for returning scholars, and the annual allocation formula for each institution. These provisions ensure that an institution uses only funds available for the scholarship and specify how the Coordinating Board

will award and fund scholarships to the institutions to provide consistent, administrable funding for the Program.

Rule 22.297 establishes the mechanisms by which the Coordinating Board will disburse the funds to each participating institution to support their participation in the Texas Leadership Scholars Program, as well as the institutions' participation in the process. The adopted rule provides the frequency of disbursements to each institution and the way the institutions will have the opportunity to review the calculation for accuracy.

The following comments were received regarding the adoption of the new rules.

Comment: The University of Texas at Tyler submitted the following comments:

(1) Regarding Rule 22.270, the university presents the following comments about allowing scholars to transfer to another participating institution. The university states, "Allowing scholars to transfer to another participating institution is not appropriate and harms the program participants. (a) Disrupts the cohort model that is in place and what is expected of selected members. (b) Disservice to the students who were not selected for the spot that is now vacant. (c) Each institution has a different experience established, if transfers are allowed, institutions will have to determine how to catch a student up on the experiences they have missed. "The university comments that a possible solution is "to allow transfer students who were not selected nor have participated to be eligible to apply when applications are open. This solution provides additional opportunity to those not selected or aware of the program."

(2) Regarding Rule 22.275, the university asks if a scholar can receive multiple hardships. The university states that the language is not clear enough and that institutions will have to figure out where to place them in relation to their cohort if the hardship involves non-enrollment up to 1 year.

(3) Regarding Rule 22.275(b)(4), the university asks if an additional hardship is awarded or if the scholar must register full-time in his/her final semester before graduating, even if the scholar needs less than 12 hours to graduate. The university offers the recommendation to update the current language to reflect that the graduating semester is auto approved for hardship regardless of a previously granted hardship.

(4) Regarding Rule 22.275(c), the university asks for clarification about when a hardship starts and for how long. The university suggests clearer language (ie: time of application, academic year, or calendar year) or add language that states that the institution makes the determination.

Response: The Coordinating Board appreciates these comments and provides the following responses.

(1) Providing a Scholar the opportunity to transfer not more than one time, allows the scholar to continue in the program when they may experience unknown or unanticipated challenges, or changes on their journey to graduation. A Scholar will not be penalized for a one-time transfer to another eligible institution, and the Scholar will continue to receive support and leadership opportunities. The Coordinating Board will ensure that the eligible institution enrolling the transfer-in scholar receives scholarship funds for the Scholar's remaining period of eligibility. Based on available research, strong cohort models, as required with the Scholar's program, should limit the number of Scholars who seek a one-time transfer.

(2) Yes, multiple hardships are allowable so long as the scholar has not exceeded four years of funding. The institution can make the determination if a scholar's cohort needs to change due to the scholar's need to receive a hardship during their eligibility and the institution is provided latitude to develop a hardship policy and make determinations based on said policy.

(3) An eligible institution is permitted to and may include such language in its hardship policy as set forth in Rule 22.295(e). Rule 22.295(b)(4) states that a hardship condition may include a Scholar who needs fewer than twelve semester credit hours to complete their degree plan.

(4) The institution is responsible for adopting a hardship policy and approving hardships in accordance with the policy.

Comment: The University of Texas at El Paso submitted the following comments:

(1) Regarding Rule 22.267(4), the university presents the following question for clarification: "We understood that the intention of the program was to select students with academic need (specifically TEXAS Grant eligibility) so that grant aid could essentially cover tuition and fees, and the additional scholarship funding provided by the state would cover housing and fees (seemingly confirmed by language in §22.276). However, when I read §22.267, I don't see a rule requiring eligible institutions to apply the funds this way."

(2) Regarding Rule 22.268(5), the university comments that adding "applied for FAFSA/TAFSA and shown a financial need" would be an effective addition to the language.

(3) Regarding Rule 22.268(A) the university asks whether information about the "Distinguished Level of Achievement under the "Foundation High School Program" will be included on the website and promotional materials.

(4) Regarding Rule 22.268(3), the university presents the question about satisfactory academic progress and seeks clarification about which satisfactory academic progress requirements are to be followed: "...the student's 1st year SAP is decided by the institution, but in their 2nd - 4th year isn't SAP determined by the requirements per TEXAS Grant?"

(5) Regarding Rule 22.274(1) the university asks for clarification about the scholarship funding length. The university asks if the scholarship funding lasts up to 5 years only if the scholar receives a hardship or if the scholarship duration is 5 years even if the scholar does not receive a hardship.

Response: The Coordinating Board appreciates these comments and offers the following responses:

(1) The Coordinating Board will provide a scholarship for housing and food that must be applied towards the scholar's account and may not exceed the cost of attendance. Participating institutions are responsible for utilizing any federal, state, or institutional aid to cover tuition and fees at no cost to the scholar. Each scholar must be Texas Grant eligible to participate in the program; however, it is up to the institution to determine what funds will be allocated to cover tuition and fees for each scholar.

(2) Rule 22.288(a)(6) specifically states that a student must be TEXAS Grant eligible. Eligibility for a TEXAS grant includes financial need requirements. Therefore adding "financial need" to (a)(5) would be redundant.

(3) A distinguished level of achievement under the foundation high school program will be provided in a guide to coordinators

at participating institutions. This information can also be found at 19 Tex. Admin. Code §74.12.

(4) In order to receive an initial award, a student must be Texas Grant eligible. Satisfactory academic progress, as stated in Rule 22.289, is determined by the institution's financial aid office based on the requirements used for federal financial aid programs.

(5) A scholar cannot receive an award for a total of more than four years. Eligibility ends after five years unless a hardship is granted. Absent a hardship, it would be difficult for a scholar to remain eligible based on the continuation requirements in 22.288(b).

Rule 22.267(4) states that participating institutions ensures that scholars receive sufficient financial aid from federal, state, or institutional aid, therefore, Satisfactory Academic Progress requirements are determined by each institution's policy depending on the scholar's awarded aid. A scholar is eligible to receive the Leadership Scholarship award funding for no more than four years within a five-year period if a hardship is granted.

The new sections are adopted under Texas Education Code, Section 61.897, which provides the Coordinating Board with the authority to adopt rules as necessary to implement the Texas Leadership Scholars Program.

The adopted new sections affect Texas Education Code, Sections 61.891 - 61.897.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER T. TEXAS FIRST SCHOLARSHIP

19 TAC §§22.550 - 22.552, 22.554 - 22.556

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 22, Subchapter T, §§22.550 - 22.552, 22.554, and 22.555, Texas First Scholarship without changes to the proposed text as published in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6315). The rules will not be republished. The Coordinating Board also adopts amendments to §22.556 with changes to the proposed text as published in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6315). The rule will be republished.

These amendments align the rules with statutory changes that were enacted on September 1, 2023, through Senate Bill 2294, 88th Texas Legislature, Regular Session.

Rule 22.550 aligns the purpose of the program with recent legislative changes. The adopted amendments reflect the expansion

sion of the program to all Texas public institutions of higher education to align with statutory changes that were enacted on September 1, 2023, through Senate Bill 2294, 88th Texas Legislature, Regular Session.

Rule 22.551 adds the definition of academic year. The adopted amendments establish a definition of academic year to be consistently applied across all institutions for this program. The amendments are adopted under Texas Education Code, Section 56.227, which provides the Coordinating Board with the authority to adopt rules necessary to implement this subchapter.

Rule 22.552 aligns the description of institutions eligible to participate in the program with recent legislative changes. The adopted amendments reflect the expansion of the program to all Texas public institutions of higher education to align with statutory changes that were enacted on September 1, 2023, through Senate Bill 2294, 88th Texas Legislature, Regular Session.

Rule 22.554 clarifies the academic year used in determining the discontinuation of a student's eligibility. The adopted amendments establish a standard to be used across all participating institutions to reflect that the discontinuation of a student's eligibility is based on the first academic year that begins after a student's graduation from high school. The amendments are adopted under Texas Education Code, Section 56.227, which provides the Coordinating Board with the authority to adopt rules necessary to implement this subchapter.

Rule 22.555 clarifies the academic year used in determining the scholarship amount. The adopted amendments align the calculation with the academic year that is also used to determine the extent of a student's eligibility time period. The amendments are adopted under Texas Education Code, Section 56.227, which provides the Coordinating Board with the authority to adopt rules necessary to implement this subchapter.

Rule 22.556 clarifies the time period used in calculating the institution's disbursement. The adopted amendments align the calculation of the disbursement with the reporting period used to make the calculation. Rule 22.556 is also corrected from what was published in the proposed rule due to the inadvertent strikethrough of the word "board" instead of "staff." This is a non-substantive change.

No comments were received regarding the adoption of the amendments.

The amendment is adopted under Texas Education Code, Section 56.227, which provides the Coordinating Board with the authority to adopt rules necessary to implement this subchapter.

The adopted amendment affects Texas Education Code, Chapter 56, Subchapter K-1.

§22.556. Institutional Reimbursement.

(a) The Coordinating Board shall distribute to each eligible institution an amount of funds equal to the amount of state credit applied by the institution under §22.555 of this subchapter (relating to Scholarship Amount) during the academic period reported under subsection (b) of this section.

(b) The institution's annual Financial Aid Database submission will be used to calculate the reimbursement amount.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 23. EDUCATION LOAN REPAYMENT PROGRAMS SUBCHAPTER D. LOAN REPAYMENT PROGRAM FOR MENTAL HEALTH PROFESSIONALS

19 TAC §§23.93 - 23.101

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 23, Subchapter D, §§23.93 - 23.101, Loan Repayment Program for Mental Health Professionals, with changes to §23.97 and §23.98 proposed text as published in the October 27, 2023, issue of the *Texas Register* (48 TexReg 6317). The rules will be republished. Sections 23.93 - 23.96 and 23.99 - 23.101 are adopted without changes and will not be republished.

Specifically, the amendments align the eligible specialties, selection of recipients, eligibility for the program, and amount of repayment assistance in the Mental Health Professionals Loan Repayment Program with statutory changes enacted by House Bill 1211 (HB 1211), House Bill 2100 (HB 2100), and Senate Bill 532 (SB 532), 88th Texas Legislature, Regular Session.

Rule 23.93 amends the description of the purpose of the program to align with the program's expansion, as outlined in HB 1211, HB 2100, and SB 532, 88th Texas Legislature, Regular Session.

Rule 23.94 amends definitions for words and terms within the Mental Health Professionals Loan Repayment Program rules. The definitions are adopted to provide clarity for words and terms that are integral to the understanding and administration of the rules. Specifically, definitions for community-based mental health services, local mental health authority, state hospitals, and Title I schools, are added, and the definition of full-time service is amended, as these changes are necessary for the understanding and administration of additional eligibility, as outlined in HB 1211, HB 2100, and SB 532, 88th Texas Legislature, Regular Session. Additional, non-substantive changes are also made to provide clarity and define an acronym.

Rule 23.95 amends the list of eligible practice specialties, adding licensed specialist in school psychology. The change aligns the rule with the amendment to Texas Education Code (TEC), Section 61.601, HB 1211, 88th Texas Legislature, Regular Session.

Rule 23.96 amends the requirements for conditional approval into the program. The amendment adds the requirements for mental health professionals who provide mental health services to patients in state hospitals, individuals receiving community-based mental health services from a local mental health authority, or students enrolled in an eligible district or school. The change aligns the rule with the amendments to TEC, Sections

61.603 and 61.607, HB 1211 and SB 532, 88th Texas Legislature, Regular Session. The amendment also delineates between applicants who first establish eligibility for the program before September 1, 2023, and applicants who first establish eligibility for the program on or after September 1, 2023, as required by Section 11 of SB 532, 88th Texas Legislature, Regular Session. The amendment also makes a non-substantive change that aligns with a similar change in §23.93 (relating to Definitions).

Rule 23.97 amends the selection process within each practice specialty to account for applications from mental health professionals who provide mental health services to patients in state hospitals that may not be located in mental health professional shortage areas. Applications from mental health professionals who provide mental health services to individuals receiving community-based mental health services from a local mental health authority or students enrolled in an eligible district or school are accounted for in the current rule text. The amendment also makes non-substantive changes that align with similar changes in §23.93 (relating to Definitions).

Rule 23.98 amends the requirements to receive disbursements of loan repayment assistance. The amendment delineates between the requirements for licensed specialists in school psychology and the requirements for other providers. The change aligns the rule with the amendments to TEC, Sections 61.603 and 61.607, made by HB 1211 and SB 532, 88th Texas Legislature, Regular Session. It also delineates between applicants who first establish eligibility for the program before September 1, 2023, and applicants who first establish eligibility for the program on or after September 1, 2023, as required by Section 11 of HB 532, 88th Texas Legislature, Regular Session. Of note, while HB 1211 amends TEC, Section 61.603 to require one, two, three, four, or five years of service for licensed specialists in school psychology, SB 532 amends TEC, Section 61.607, to only provide payments to all participants in the program after one, two, or three years of service. Rule 23.98 is thus written to conform with the latter.

Rule 23.99 is amended to make a non-substantive change that aligns with a similar change in §23.93 (relating to Definitions).

Rule 23.100 amends the amount of repayment assistance a participant may receive through the program. The maximum amount a licensed specialist in school psychology may receive is added to the rule to align with the amendments to TEC, Section 61.607, HB 1211, 88th Texas Legislature, Regular Session. The rule also amends the percentage of the maximum funding that a participant may receive for each year of participation in the program to align with amendments to TEC, Section 61.607, made by SB 532, 88th Legislative Session. It also delineates between applicants who first establish eligibility for the program before September 1, 2023, and applicants who first establish eligibility for the program on or after September 1, 2023, as required by Section 11 of SB 532, 88th Texas Legislature, Regular Session.

Rule 23.101 is amended to make a non-substantive change that aligns with a similar change in §23.93 (relating to Definitions).

The following comments were received regarding the adoption of the amendments.

Comment: Texas Medical Association indicated that the proposed amendments fail to address the limitations on providing funding to licensed marriage and family therapists, as dictated by Texas Education Code, Section 61.604(d)-(e).

Response: The Coordinating Board acknowledges that the rules lack clarity regarding the limitation of funding for licensed marriage and family therapists. To address this, the Board will amend Rule 23.97(d) and 23.97(e) to reflect that they apply to eligible practice subspecialties other than licensed marriage and family therapists, and add Rule 23.97(f) to address the situation when available funding allows for licensed marriage and family therapists to receive funding through the program.

Comment: Texas Medical Association noted that the published text in Rules 23.98(a)(1) and 23.98(b)(1) did not match the current text in the Education Code, nor did it indicate that the text was changing.

Response: The Coordinating Board acknowledges the error in the published text. No change was intended for these two subsections, and the adopted rule corrects this error to reflect the current text in the Education Code for the two subsections indicated.

The amendments are adopted under Texas Education Code, Section 61.608, which provides the Coordinating Board with the authority to adopt rules necessary to administer Texas Education Code, Chapter 61, Subchapter K.

The adopted amendment affects Texas Education Code, Chapter 61, Subchapter K.

§23.97. Selection of Eligible Applicants and Limitations.

(a) Each fiscal year an application deadline will be posted on the program web page.

(b) Not more than 10 percent of the number of repayment assistance grants paid under this subchapter each year may be awarded to mental health professionals providing mental health services to persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or persons confined in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice. Applications from these professionals will be selected on a first-come-first-served basis.

(c) Not more than 30 percent of the number of repayment assistance grants paid under this subchapter each fiscal year may be awarded to mental health professionals in any one of the eligible practice specialties, unless excess funds remain available after the 30 percent maximum has been met.

(d) For practice specialties outlined in §23.95(1) - (7) of this subchapter (relating to Eligible Practice Specialties), applications will be ranked in order of the following priorities:

- (1) providers who benefitted from awards the previous year;
- (2) providers who sign SLRP contracts;
- (3) providers whose employers are located in areas having MHPSA scores that reflect the highest degrees of shortage. If a provider works for an agency located in an MHPSA that has satellite clinics and the provider works in more than one of the clinics, the highest MHPSA score where the provider works shall apply. If a provider travels to make home visits, the provider's agency base location and its MHPSA score shall apply. If a provider works for different employers in multiple MHPSAs having different degrees of shortage, the location having the highest MHPSA score shall apply;
- (4) providers in state hospitals;
- (5) providers whose employers are located in rural areas, if, in the case of providers serving at multiple sites, at least 75% of their work hours are spent serving in those areas; and

(6) providers whose applications were received on the earliest dates.

(e) If funds remain available after loan repayment awards have been reserved for applicants selected according to the criteria stated in subsection (d) of this section, applications for practice specialties outlined in §23.95(1) - (7) of this subchapter will be ranked in order of the following priorities, regardless of the applicant's practice specialty:

(1) providers whose employers are located in areas having MHPSA scores that reflect the highest degrees of shortage. If a provider works for an agency located in an MHPSA that has satellite clinics and the provider works in more than one of the clinics, the highest MHPSA score where the provider works shall apply. If a provider travels to make home visits, the provider's agency base location and its MHPSA score shall apply. If a provider works for different employers in multiple MHPSAs having different degrees of shortage, the location having the highest MHPSA score shall apply;

(2) providers whose employers are located in rural areas, if, in the case of providers serving at multiple sites, at least 75% of their work hours are spent serving in those areas; and

(3) providers whose applications were received on the earliest dates; and

(4) providers eligible under subsection in §23.95(8) of this subchapter.

(f) If funds remain available after loan repayment awards have been reserved for applicants selected according to the criteria stated in subsection (e) of this section, applications for practice specialties outlined in §23.95(8) of this subchapter, will be ranked in order of the providers whose applications were received on the earliest dates.

(g) If state funds are not sufficient to allow for maximum award amounts stated in §23.100 of this subchapter (relating to Amount of Repayment Assistance) for all eligible applicants, the Board staff may adjust in an equitable manner the state-funded distribution amounts for a fiscal year, in accordance with TEC 61.607(d).

§23.98. Eligibility for Disbursement of Loan Repayment Assistance.

(a) To be eligible to receive loan repayment assistance as a mental health professional who first established eligibility for the program before September 1, 2023, a mental health provider must:

(1) have completed one, two, three, four, or five consecutive years of practice in an MHPSA providing direct patient care to Medicaid enrollees and/or CHIP enrollees, if the practice serves children, or to persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or its successor or in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice or its successor; and

(2) after an award is disbursed for a third consecutive year of service, a psychiatrist must have earned certification from the American Board of Psychiatry and Neurology or the American Osteopathic Board of Psychiatry and Neurology to qualify for continued loan repayment assistance.

(b) To be eligible to receive loan repayment assistance as a mental health professional who first established eligibility for the program on or after September 1, 2023, a mental health provider must have completed one, two, or three consecutive years of practice:

(1) in an MHPSA providing direct patient care to Medicaid enrollees and/or CHIP enrollees, if the practice serves children, or to persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or its successor or

in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice or its successor;

(2) providing mental health services to patients in a state hospital; or

(3) to individuals receiving community-based mental health services from a local mental health authority.

(c) Notwithstanding subsection (b) of this section, to be eligible to receive loan repayment assistance as a specialist in school psychology as outlined under §23.95(6) of this subchapter (relating to Eligible Practice Specialties), the mental health professional must:

(1) have completed one, two, or three consecutive years of employment in:

(A) a school district which is located partially or completely in a MHPSA;

(B) an open-enrollment charter school located in a MHPSA; or

(C) a Title I school; and

(2) have provided mental health services to students enrolled in that district or school during that time of employment.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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PART 2. TEXAS EDUCATION AGENCY

CHAPTER 74. CURRICULUM REQUIREMENTS

SUBCHAPTER C. OTHER PROVISIONS

19 TAC §74.27

The State Board of Education (SBOE) adopts an amendment to §74.27, concerning innovative courses and programs. The amendment is adopted with changes to the proposed text as published in the October 13, 2023 issue of the *Texas Register* (48 TexReg 5933) and will be republished. The adopted amendment updates innovative course application and approval requirements.

REASONED JUSTIFICATION: After the SBOE adopted new rules concerning graduation requirements, the previously approved experimental courses were phased out as of August 31, 1998. Following the adoption of the Texas Essential Knowledge and Skills (TEKS), school districts now submit requests for innovative course approval for courses that do not have TEKS. The process currently outlined in §74.27 provides authority for the commissioner of education to approve discipline-based courses

but reserves for SBOE review and approval those courses that do not fall within any of the subject areas of the foundation or enrichment curriculum.

Each year, the Texas Education Agency (TEA) provides the opportunity for school districts and other entities to submit applications for proposed innovative courses. The board last amended §74.27 in November 2022 to require that an applicant for an innovative course pilot the proposed course in a Texas school prior to seeking approval from the SBOE. At the April 2023 SBOE meeting, TEA staff provided an overview of the innovative course approval process, including key data related to historical implementation of innovative courses. At the June 2023 meeting, the Committee on Instruction discussed possible amendments to §74.27. The board approved for first reading and filing authorization the proposed amendment to §74.27 at its August-September 2023 meeting.

The adopted amendment shifts from the commissioner to the SBOE the authority to approve innovative courses that fall under the foundation or enrichment curriculum, specifies the number of years for initial approval and renewal of innovative courses, and exempts career and technical education courses that support an approved program of study from the pilot requirement. It also requires TEA to conduct a periodic review of all approved innovative courses and identify courses for possible sunset in accordance with specific criteria, including student enrollment at an average of fewer than 20 districts or charter schools statewide.

The following changes were made to the rule since approved for first reading and filing authorization.

Section 74.27(a)(1) was amended by replacing the phrase "any course" with the phrase "discipline-based courses in the foundation or enrichment curriculum and courses" and by replacing the word "does" with the word "do."

Section 74.27(a)(3) was amended by striking the phrase "or the commissioner."

New §74.27(a)(3)(l) was added to state, "a copy of or electronic access to any recommended instructional resources for the course."

Section 74.27(a)(4) was amended by striking the phrase "from the commissioner."

Section 74.27(a)(9)(A) was struck, and the remaining subparagraphs were re-lettered.

Section 74.27(a)(9)(A) was amended by striking the phrase "two consecutive years of" before the phrase "zero enrollment" and by adding the phrase "for the previous two years" after the phrase "zero enrollment."

Section 74.27(a)(9)(B) was amended by adding the phrase "for the previous three years" after the word "statewide."

Section 74.27(a)(9)(C) was amended by replacing the word "available" with the phrase "student enrollment" and by adding the phrase "for the previous three years" after the word "statewide."

The SBOE approved the amendment for first reading and filing authorization at its September 1, 2023 meeting and for second reading and final adoption at its November 17, 2023 meeting.

In accordance with Texas Education Code, §7.102(f), the SBOE approved the amendment for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date

would update the requirements for the submission of innovative course applications for the 2023-2024 application cycle. The effective date is 20 days after filing as adopted with the Texas Register.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began October 13, 2023, and ended at 5:00 p.m. on November 13, 2023. The SBOE also provided an opportunity for registered oral and written comments at its November 2023 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comments received and corresponding responses.

Comment. One community member expressed concern that §74.27(b)(1) allows for ethnic studies courses, but not all ethnicities are relevant to Texas and the United States as a whole. The commenter stated that all ethnic studies courses should be banned.

Response. The SBOE disagrees and has determined that ethnic studies courses are appropriately included in §74.27(b)(1).

Comment. One administrator asked whether a career and technical education (CTE) innovative course would need to be piloted if it has been assigned to a program of study.

Response. The SBOE provides the following clarification. Proposed new §74.27(a)(6) states that the requirements for submitting data and providing evidence of successful piloting do not apply to an innovative course designed to support a program of study in CTE.

Comment. One person from out of state expressed concern that the new science textbooks under consideration for Proclamation 2024 downplay the role fossil fuels play in warming the planet's atmosphere.

Response. This comment is outside the scope of the proposed rulemaking.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code, §28.002(f), which authorizes local school districts to offer courses in addition to those in the required curriculum for local credit and requires the State Board of Education to be flexible in approving a course for credit for high school graduation.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §28.002(f).

§74.27. Innovative Courses and Programs.

(a) A school district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum.

(1) The State Board of Education (SBOE) may approve discipline-based courses in the foundation or enrichment curriculum and courses that do not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying school district or organization demonstrates that the proposed course is academically rigorous and addresses documented student needs.

(2) Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.

(3) To request approval from the SBOE, the applying school district or organization must submit a request for approval at least six months before planned implementation that includes:

(A) a description of the course and its essential knowledge and skills;

(B) the rationale and justification for the request in terms of student need;

(C) data that demonstrates successful piloting of the course in Texas;

(D) a description of activities, major resources, and materials to be used;

(E) the methods of evaluating student outcomes;

(F) the qualifications of the teacher;

(G) any training required in order to teach the course and any associated costs;

(H) the amount of credit requested; and

(I) a copy of or electronic access to any recommended instructional resources for the course.

(4) To request approval for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.

(5) To request approval of a new innovative course, the applying school district or organization must submit with its request for approval evidence that the course has been successfully piloted in its entirety in at least one school in the state of Texas.

(6) The requirements of paragraphs (3)(C) and (5) of this subsection do not apply to the consideration of a course developed to support a program of study in career and technical education.

(7) Newly approved innovative courses shall be approved for a period of three years, and courses approved for renewal shall be approved for a period of five years.

(8) With the approval of the local board of trustees, a school district may offer, without changes or deletions to content, any state-approved innovative course.

(9) Texas Education Agency shall review all approved innovative courses once every two years and provide for consideration for sunset a list of innovative courses that meet the following criteria:

(A) zero enrollment for the previous two years;

(B) average enrollment of less than 100 students statewide for the previous three years;

(C) student enrollment at an average of fewer than 20 districts or charter schools statewide for the previous three years;

(D) duplicative of another innovative or TEKS-based course; or

(E) approved for implementation as a TEKS-based course.

(b) An ethnic studies course that has been approved by the SBOE as an innovative course shall be considered by the SBOE at a subsequent meeting for inclusion in the TEKS.

(1) Only comprehensive ethnic studies courses in Native American studies, Latino studies, African American studies, and/or Asian Pacific Islander studies, inclusive of history, government, economics, civic engagement, culture, and science and technology, shall be considered by the SBOE.

(2) The chair of the Committee on Instruction, in accordance with SBOE Operating Rule 2.5(b), shall collaborate with the board chair to place the item on the next available Committee on Instruction agenda following SBOE approval of the innovative course.

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 January 29, 2024.

TRD-202400318

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: February 18, 2024

Proposal publication date: October 13, 2023

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

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CHAPTER 127. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR CAREER DEVELOPMENT AND CAREER AND TECHNICAL EDUCATION

The State Board of Education (SBOE) adopts new §§127.19 - 127.22, and 127.275 - 127.278, concerning Texas Essential Knowledge and Skills (TEKS) for career development and career and technical education (CTE). Section 127.19 is adopted without changes to the proposed text as published in the October 10, 2023, issue of the *Texas Register* (48 TexReg 5936) and will not be republished. Sections 127.20 - 127.22 and 127.275 - 127.278 are adopted with changes to the proposed text as published in the October 10, 2023, issue of the *Texas Register* (48 TexReg 5936) and will be republished. The adoption updates the TEKS to ensure the content of the courses remains current and adds TEKS for two new courses in entrepreneurship to support relevant and meaningful programs of study.

REASONED JUSTIFICATION: In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

At the November 2022 meeting, the SBOE approved a timeline for the review of CTE courses for 2022-2025. Also at the meeting, the SBOE approved a specific process to be used in the review and revision of the CTE TEKS. The CTE-specific process largely follows the process for TEKS review for other subject areas but was adjusted to account for differences specific to CTE. The 2022-2025 CTE cycle identifies two reviews, beginning with the winter 2023 review of a small group of courses in career preparation and entrepreneurship. An abbreviated version of the new CTE TEKS review process was used for the winter 2023 review. The second review in the 2022-2025 CTE TEKS review cycle began in summer 2023. The complete CTE TEKS review process is being used for the summer 2023 CTE TEKS review.

Applications to serve on the winter 2023 CTE TEKS review work groups were collected by the Texas Education Agency (TEA) from November 2022 through January 2023. TEA staff provided SBOE members with batches of applications for approval

to serve on a CTE work group in November 2022 and in January 2023. Work groups were convened to develop recommendations for the CTE courses in February, March, April, July, and August 2023.

The adopted new CTE TEKS ensure the standards for the career preparation and entrepreneurship courses included in the winter 2023 CTE TEKS review are up to date.

The following changes were made to the rules since approved for first reading and filing authorization.

The course title for §127.20 was renamed "Career Preparation General."

Section 127.20(b) was amended by replacing the phrase "Level 2 or higher" with the phrase "credit in a" and replacing the sentence "For this course to satisfy a Level IV requirement as part of a student's program of study, the employment experience must be related to the student's program of study" with the sentence "This course may be related to or outside the student's program of study."

New paragraph (1) was added to §127.20(b) to state, "A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demonstrating proficiency in additional and more advanced knowledge and skills."

New paragraph (2) was added to §127.20(b) to state, "A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation for Programs of Study, and Extended Career Preparation."

Section 127.20(c)(3) was amended by replacing the roman numeral "I" with the word "General."

A new student expectation was added to §127.20(d)(1) to state, "describe the benefits of having a job and being self-sufficient."

The student expectation in §127.20(d)(2)(B) was amended by adding "working hard, respecting authority" to the list of ways students can demonstrate professionalism.

The student expectation in §127.20(d)(3)(E) was amended by adding the phrase "Federal Insurance Contributions Act (FICA)" before the word "deductions."

A new student expectation was added to §127.20(d)(3) to state, "explain how debt affects financial stability."

The course title in §127.21 was renamed "Career Preparation for Programs of Study."

Section 127.21(b) was amended by replacing the phrase "Career Preparation I" with the phrase "at least one Level 2 or higher career and technical education course."

New paragraph (1) was added to §127.21(b) to state, "A student's employment experience connected with this course must be related to the student's program of study."

New paragraph (2) was added to §127.21(b) to state, "A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demonstrating proficiency in additional and more advanced knowledge and skills."

New paragraph (3) was added to §127.21(b) to state, "A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General,

Career Preparation for Programs of Study, and Extended Career Preparation."

Section 127.21(c)(3) was amended by replacing the roman numeral "II" with the phrase "for Programs of Study" before the phrases "provides additional opportunities" and "expands on Career Preparation," by replacing the phrase "that may be outside" with the phrase "which must be related to," and by replacing the roman numeral "I" with the word "General."

A new student expectation was added to §127.21(d)(1) to read, "describe how having a job can lead to a career and self-sufficiency."

A second new student expectation was added to §127.21(d)(1) to read, "identify and explain work-based benefits such as health insurance, direct deposit, and retirement contributions."

The student expectation in §127.21(d)(2)(F) was amended by adding the phrase "working hard, respecting authority" after the phrase "being dependable."

The student expectation in §127.21(d)(3)(B) was amended by replacing the phrase "an occupational area of interest" with the phrase "careers within a selected program of study."

The student expectation in §127.21(d)(4)(E) was amended by adding the phrase "related to a selected program of study" after the word "activities."

The student expectation in §127.21(d)(5)(C) was amended by replacing the phrase "chosen career cluster" with the phrase "selected program of study."

The student expectation in §127.21(d)(6)(E) was amended by replacing the word "within" with the word "in" and replacing the phrase "chosen career cluster" with the phrase "career within a selected program of study."

The student expectation in §127.21(d)(7)(A) was amended by adding the phrase "within a selected program of study" after the phrase "chosen career."

The knowledge and skills statement in §127.21(d)(8) was amended by adding the phrase "within a selected program of study" after the word "opportunities."

The student expectation in §127.21(d)(8)(B) was amended by adding the phrase "within a selected program of study" after the phrase "job growth."

The student expectation in §127.21(d)(8)(D) was amended by adding the phrase "within a selected program of study" after the phrase "future careers."

The student expectation in §127.21(d)(8)(E) was amended by replacing the phrase "in an occupational area of interest" with the phrase "related to a selected program of study."

The general requirements in §127.22(b) were amended by replacing the course names "Career Preparation I" and "Career Preparation II" with the new course names "Career Preparation General" and "Career Preparation for Programs of Study."

The general requirements in §127.22(b) were amended by striking the sentence "A student may repeat this course once for credit provided that the student is demonstrating proficiency in additional and more advanced knowledge and skills."

New paragraph (1) was added to §127.22(b) to state, "A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demon-

strating proficiency in additional and more advanced knowledge and skills."

New paragraph (2) was added to §127.22(b) to state, "A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation for Programs of Study, and Extended Career Preparation."

Section 127.22(c)(3) was amended by replacing the roman numeral "I" with the word "General" and the roman numeral "II" with the phrase "for Programs of Study."

The student expectation in §127.22(d)(2) was amended by adding the phrase "patience, kindness, respecting authority" after the word "initiative."

The student expectation in §127.275(d)(1)(F) was amended by adding the phrase "working hard, respecting authority" after the word "including."

A new student expectation was added to §127.275(d)(1) to read, "demonstrate virtues, including trustworthiness, responsibility, and good citizenship."

The knowledge and skills statement in §127.275(d)(3) was amended by adding the phrase "limited liability corporations" before the word "franchises" and adding the phrase "limited partnerships" before the phrase "and sole proprietorships."

The student expectation in §127.275(d)(3)(A) was amended by replacing the phrase "each business structure" with the phrase "corporations, limited liability corporations, franchises, partnerships, limited partnerships, and sole proprietorships."

The student expectation in §127.275(d)(5)(A) was amended by adding the phrase "and market research" after the phrase "ideation process."

A new student expectation was added to §127.275(d)(5) to read, "determine the feasibility of a solution by performing a features-benefits-value analysis."

The student expectation in §127.275(d)(6)(B) was amended by adding the phrase "and explain how to generate various revenue streams" before the phrase "for a business."

The student expectation in §127.275(d)(6)(L) was amended by adding the phrase "and describe how they may vary by industry" after the phrase "key performance metrics."

The student expectation in §127.276(d)(1)(B) was amended by deleting the word "and" and adding the phrase "and project management tools" after the phrase "task list."

The student expectation in §127.276(d)(1)(G) was amended by adding the phrase "working hard, respecting authority, and" before the phrase "using feedback."

A new student expectation was added to §127.276(d)(1) to read, "demonstrate virtues, including trustworthiness, responsibility, and good citizenship."

A new student expectation was added to §127.276(d)(2) to read, "analyze opportunity costs for a given business example."

A new student expectation was added to §127.276(d)(3) to read, "research, develop, and implement focus group questions for a specific customer segment."

Amendments were made to re-letter §127.276(d)(3)(D) and §127.276(d)(3)(E) to §127.276(d)(3)(E) and §127.276(d)(3)(F), respectively.

The student expectation in §127.276(d)(8)(C) was amended by adding the phrase "and interrelationship between financial statement, including" before the phrase "a profit and loss statement."

The student expectation in §127.277(d)(1)(C) was amended by adding the phrase "and constructive dialogue" after the word "teamwork."

The student expectation in §127.277(d)(2)(C) was amended by replacing the word "scenario" with the phrase "business example."

A new student expectation was added to §127.277(d)(2) to read, "analyze how psychology and sociology explain factors that drive customer behavior and impact business success."

The student expectation in §127.278(d)(1)(C) was amended by adding the phrase "diligence, perseverance" after the phrase "such as."

The SBOE approved the new rules for first reading and filing authorization at its September 1, 2023 meeting and for second reading and final adoption at its November 17, 2023 meeting.

In accordance with Texas Education Code, §7.102(f), the SBOE approved the new rules for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2024-2025 school year. The earlier effective date will enable districts to begin preparing for implementation of the revised career preparation and entrepreneurship TEKS. The effective date is 20 days after filing as adopted with the Texas Register.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began October 13, 2023, and ended at 5:00 p.m. on November 13, 2023. The SBOE also provided an opportunity for registered oral and written comments at its November 2023 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comments received and corresponding responses.

Comment. One administrator stated that proposed new §127.19, Career and Technical Education Project-Based Capstone, should be added to every CTE program of study so multiple disciplines can collaborate to complete a campus- or district-wide project.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Two administrators stated that teacher shortages require districts to offer career preparation courses so that one teacher can serve students from multiple career clusters.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One administrator stated that the proposed new career preparation TEKS seem more like the proposed new Career and Technical Education Project-Based Capstone course than career preparation courses.

Response. The SBOE disagrees and has determined that the proposed new career preparation TEKS appropriately support career skills and are distinct from the Career and Technical Education Project-Based Capstone TEKS.

Comment. One community member stated the proposed career preparation courses do not include any description of how ethnicity, race, and gender can be used to discriminate against individuals when applying for jobs, business loans, or contracting

jobs for the government. The commenter added that students need to be aware of how prejudices may be used against them.

Response. The SBOE disagrees that the content should be added and has determined that the career preparation TEKS appropriately address interpersonal skills. In response to other comments, the SBOE also took action to approve additional changes to the career preparation TEKS, including renaming the courses.

Comment. Two administrators stated that the proposed language in §127.20(b) for Career Preparation I that would require a student's employment experience be related to the student's program of study contradicts language in the introduction in §127.20(c)(3) that states that employment experiences may be outside the student's current program of study.

Response. The SBOE agrees and took action to revise the language in the general requirements in §127.20(b) to read, "This course is recommended for students in Grades 11 and 12. Recommended prerequisite: at least one credit in a career and technical education course. Students shall be awarded two credits for successful completion of this course. This course may be related to or outside the student's program of study." In response to other comments, the SBOE also took action to approve additional changes to the career preparation TEKS, including renaming the courses.

Comment. One teacher stated that districts should aim for students taking the Career Preparation I course to work in their chosen program of study, but there must also be an alternate plan for when this is not an option.

Response. The SBOE agrees and took action to revise the language in the general requirements in §127.20(b) to read, "This course is recommended for students in Grades 11 and 12. Recommended prerequisite: at least one credit in a career and technical education course. Students shall be awarded two credits for successful completion of this course. This course may be related to or outside the student's program of study." In response to other comments, the SBOE also took action to approve additional changes to the career preparation TEKS, including renaming the courses.

Comment. One administrator recommended that if the requirement to align a student's employment experience to the student's program of study must be included, it should be removed from Career Preparation I and added as a requirement for §127.21, Career Preparation II, and §127.22, Extended Career Preparation.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is more appropriate for the proposed Career Preparation II course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. One administrator stated that requiring a student's employment experience to be related to the student's program of study in order for Career Preparation I to satisfy a Level 4 requirement is not equitable with other college readiness indica-

tors. The commenter stated that schools can check the college, career, and military readiness indicator box based on a student's college entrance exam score without accountability for whether the student attends college after graduation. The commenter added that there is also no requirement for a student's dual credit or Advanced Placement courses to be aligned with a student's program of study.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Seventeen administrators, three teachers, two counselors, and one community member expressed opposition to the proposed requirement in Career Preparation I that a student's employment experience must be related to their program of study in order for the course to satisfy a Level 4 requirement. The commenters stated that the requirement may impose significant job limitations on students pursuing programs of study in certain fields.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is not appropriate for the proposed Career Preparation I course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. Twelve administrators, two counselors, two community members, and one teacher stated that the impact of requiring students to complete work experiences related to their program of study as part of Career Preparation I would be pronounced in rural areas. The commenters explained that job opportunities in rural areas are non-existent or quickly filled and are competed for by students from neighboring districts.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is not appropriate for the proposed Career Preparation I course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. Nine administrators, one teacher, and one counselor stated that requiring a student's employment experience for Career Preparation I to be related to their program of study for it to count as a Level 4 course is unfair to students who do not live in areas that have access to employment that aligns to the student's program of study and accepts high school students.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is not appropriate for the proposed Career Preparation I course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program

of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. Six administrators and one counselor expressed concern that there is no standard provided for determining whether a student's employment experience or internship for Career Preparation I is related to the student's program of study.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Nine administrators, two teachers, two counselors, and one community member stated that requiring a student's employment experience for Career Preparation I to be related to their program of study does not take into consideration economically challenged students who are working to help support their families. The commenters stated this requirement would eliminate opportunities to earn high school credit for students who need to work.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is not appropriate for the proposed Career Preparation I course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. One university representative stated that job and internship experiences not directly related to a student's program of study still add value to a student's educational portfolio and that students should be incentivized to work.

Response. The SBOE agrees. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. Eleven administrators and one teacher stated that Career Preparation I should be about soft skills such as discipline, responsibility, timeliness, and dedication that can be developed, practiced, and observed in any employment experience or career field.

Response. The SBOE agrees and has determined that the proposed new TEKS appropriately address soft skills.

Comment. One teacher stated that helping students find jobs has increasingly been difficult and it would be very hard for a student, much less a teacher, to find the right job that matches the student's program of study.

Response. The SBOE disagrees and has determined that it is appropriate for one of the career preparation courses to require a student's employment experience to be related to the student's

program of study to count as a Level 4 course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. Ten administrators, one teacher, and one community member emphasized the need for a flexible approach in Career Preparation I to ensure that students can benefit from diverse work experiences regardless of their program of study or geographical location.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is not appropriate for the proposed Career Preparation I course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. Seven administrators, two counselors, two community members, and one university representative stated that if Career Preparation I is not available to students as it is currently, districts could see a decline in CTE completers and a decrease in CTE funding.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One administrator asked if the weighted funding for proposed new §127.20, Career Preparation I, would be different for a student taking it as a Level 4 course in a program of study than funding for a student who is not taking the course as part of a program of study.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One teacher stated that being a pathway completer should not be taken away from students because they work for a company that does not fall into their program of study.

Response. This comment is outside the scope of the proposed rulemaking. The SBOE also provides the following clarification. A CTE completer is defined as a student who has successfully completed three or more CTE courses within a program of study for a total of four or more credits, including one Level 3 or Level 4 course from within the same program of study.

Comment. One administrator stated that the proposal to require that students' work experience be related to their program of study would limit the number of students who would want or need to take the course.

Response. The SBOE disagrees and has determined that it is appropriate to have a career preparation course that requires a student's employment experience to be related to the student's program of study. In response to this and other comments, however, the SBOE took action to retitle Career Preparation I as Ca-

reer Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. One counselor expressed concern that schools will lose a tool for keeping students in school if a student's employment experience for Career Preparation I must be related to the student's program of study.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is not appropriate for the proposed Career Preparation I course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. One administrator stated that Texas has increasingly pushed students into focused areas of study making it more difficult for students to sample the vast number of career options during their time in high school.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One administrator and one teacher requested that the board allow students in Career Preparation I the option to work in areas outside their program of study and for these students' enrollment to be counted as a Level 4 course.

Response. The SBOE agrees that requiring the student's work experience to be related to their program of study is not appropriate for the proposed Career Preparation I course. In response to this and other comments, the SBOE took action to retitle Career Preparation I as Career Preparation General and revised the language in the general requirements in §127.20(b) to read, "This course may be related to or outside the student's program of study." The SBOE also took action to retitle Career Preparation II as Career Preparation for Programs of Study and revised the language in the general requirements in §127.21(b) to read, "A student's employment experience connected with this course must be related to the student's program of study."

Comment. One administrator asked how districts would report and how TEA would monitor that a student's employment experience for Career Preparation I is related to the student's program of study. The commenter asked if there would be a separate service ID in the Public Education Information Management System (PEIMS) to code students who take the course to develop employability skills and are not enrolled in a CTE program of study.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One administrator asked how it would be reported if a student in Career Preparation I changed their place of employment within the time period provided in the Student Attendance Accounting Handbook.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One administrator stated that the updated entrepreneurship TEKS look good and are comprehensive.

Response. The SBOE agrees and took action to adopt the proposed new entrepreneurship TEKS.

Comment. One teacher stated that overall the entrepreneurship TEKS seem excellent.

Response. The SBOE agrees and took action to adopt the proposed new entrepreneurship TEKS.

Comment. One representative from business and industry stated that there needs to be a strong emphasis on the sales component of entrepreneurship, including selling services and products to clients, selling concepts to investors, and selling a business idea to employees and partners.

Response. The SBOE agrees and has determined that the entrepreneurship TEKS appropriately address sales.

Comment. One administrator recommended the implementation of the entrepreneurship TEKS align with a proclamation because smaller school districts may need a year to plan and find instructional materials.

Response. The SBOE disagrees and has determined that the proposed new entrepreneurship TEKS would be implemented beginning with the 2024-2025 school year.

Comment. One teacher recommended adding limited liability company (LLC) to the knowledge and skills statement in §127.275(d)(3) in Entrepreneurship I. The commenter explained that the LLC structure is an extremely common form of ownership and should be considered if starting a new business.

Response. The SBOE agrees and took action to amend §127.275(d)(3) to read, "The student researches corporations, limited liability corporations, franchises, partnerships, limited partnerships, and sole proprietorships to understand business structures." Additionally, the SBOE took action to amend §127.275(d)(3)(A) to read, "evaluate the advantages and disadvantages involved with the ownership of corporations, limited liability corporations, franchises, partnerships, limited partnerships, and sole proprietorships, including control, tax implications, risk, and liability."

Comment. One representative from business and industry stated the proposed student expectation in §127.275(d)(5)(A) in Entrepreneurship I, which would require students to identify and analyze problems in the marketplace through an ideation process, is not sufficient. The commenter explained that students need to understand the basic concepts of market research and to determine the feasibility of a solution through the features-benefits-value format.

Response. The SBOE agrees and took action to amend §127.275(d)(5)(A) to read, "identify and analyze problems in the marketplace through an ideation process and market research." The SBOE also took action to add new §127.275(d)(5)(C) to read, "determine the feasibility of a solution by performing a features-benefits-value analysis."

Comment. One representative from business and industry stated that proposed §127.275(d)(6)(B) in Entrepreneurship I, which would require students to identify possible diversified revenue streams for a business, needs to include a list of ways

to obtain revenue, including direct sales, subscriptions, leases, and more.

Response. The SBOE agrees and took action to amend §127.275(d)(6)(B) to read, "identify possible diversified revenue streams and explain how to generate various revenue streams for a business."

Comment. One representative from business and industry stated that proposed §127.275(d)(6)(J) in Entrepreneurship I, which would require students to define and explain a competitive analysis, should include that students conduct a basic competitive analysis using the strengths, weaknesses, opportunities, and threats (SWOT) analysis format.

Response. The SBOE disagrees and has determined that the additional language is unnecessary as SWOT analysis is included in §127.276(d)(3)(E) in Entrepreneurship II.

Comment. One representative from business and industry stated that proposed §127.275(d)(6)(L) in Entrepreneurship I should require students to understand how key performance metrics vary by industry.

Response. The SBOE agrees and took action to amend §127.275(d)(6)(L) to read, "identify and define key performance metrics and describe how they may vary by industry."

Comment. One representative from business and industry stated that to address proposed §127.275(d)(9)(A) in Entrepreneurship I, which would require students to identify and explain the components of a pitch, students should receive a unified format in which to base their presentation.

Response. The SBOE provides the following clarification. Texas Education Code (TEC), §28.002(i), states that the SBOE may not adopt rules that designate the methodology used by a teacher.

Comment. One representative from business and industry stated that proposed §127.275(d)(10)(B) in Entrepreneurship I should require students to understand how each of the organizations listed can help a specific business. The commenter recommended that students develop scenarios for different types of industries on the best fit of the various services.

Response. The SBOE provides the following clarification. TEC, §28.002(i), states that the SBOE may not adopt rules that designate the methodology used by a teacher.

Comment. One representative from business and industry expressed support for proposed SEs in Entrepreneurship I related to identifying a real problem or market need and identifying a solution.

Response. The SBOE agrees and took action to adopt the proposed new entrepreneurship TEKS.

Comment. One representative from business and industry expressed support for culminating Entrepreneurship I with a pitch for a business or product.

Response. The SBOE agrees and took action to adopt the proposed new entrepreneurship TEKS.

Comment. One representative from business and industry expressed support for proposed §127.275(d)(7)(A) in Entrepreneurship I that introduces students to the business planning tool Business Model Canvas.

Response. The SBOE agrees and took action to adopt the proposed new entrepreneurship TEKS.

Comment. One representative from business and industry stated that proposed §127.276(d)(1)(B) in Entrepreneurship II should include a wide array of applications and digital tools for developing task lists.

Response. The SBOE agrees and took action to amend §127.276(d)(1)(B) to read, "demonstrate a productive work ethic by using a personal calendar, task list, and project management tools."

Comment. One representative from business and industry stated that proposed §127.276(d)(2)(E) in Entrepreneurship II should include the consideration of opportunity costs.

Response. The SBOE agrees and took action to add new §127.276(d)(2)(F) to read, "analyze opportunity costs for a given business example."

Comment. One representative from business and industry stated that proposed §127.276(d)(3)(A) in Entrepreneurship II, which would require students to identify and analyze problems in the marketplace through an ideation process, is not sufficient. The commenter explained that students need to understand the basic concepts of market research and to determine the feasibility of a solution through the features-benefits-value format.

Response. The SBOE disagrees and has determined that the language in §127.276(d)(3) is appropriate as proposed.

Comment. One representative from business and industry stated that proposed §127.276(d)(3)(E) in Entrepreneurship II needs to include students developing and implementing focus groups, interviews, and questionnaires.

Response. The SBOE agrees and took action to add new §127.276(d)(3)(D) to read, "research, develop, and implement focus group questions for a specific customer segment."

Comment. One representative from business and industry suggested that proposed §127.276(d)(8)(C) in Entrepreneurship II should require students to use business case scenarios to understand how financial statements work together and how transactions impact all financial statements.

Response. The SBOE agrees and took action to amend §127.276(d)(8)(C) to read, "explain the importance of and interrelationship between financial statements, including a profit and loss statement, balance sheet, and statement of cash flow."

Comment. One representative from business and industry suggested that proposed §127.276(d)(9)(C) in Entrepreneurship II, which would require students to determine the types of licenses a start-up business might be required to obtain, include a business license, employer identification number, name registry, professional license, and occupational license.

Response. The SBOE provides the following clarification. The proposed student expectation in §127.276(d)(9)(C) addresses each of the suggested licenses.

Comment. One representative from business and industry recommended that Entrepreneurship II include the concept of royalties as they pertain to the commercialization of intellectual property.

Response. The SBOE disagrees that the additional content is necessary and has determined that the TEKS are appropriate as proposed.

Comment. One representative from business and industry recommended that proposed §127.276(d)(11)(B) in Entrepreneurship II include the Myers-Briggs and Social Styles assessments.

Response. The SBOE disagrees that the additional content is necessary and has determined that §127.276(d)(11)(B) is appropriate as proposed.

Comment. One representative from business and industry recommended that proposed §127.276(d)(15)(C) in Entrepreneurship II require the identification of key metrics by industry so students understand best practices for specific businesses.

Response. The SBOE disagrees that the additional content is necessary and has determined that §127.276(d)(15)(C) is appropriate as proposed.

Comment. One representative from business and industry expressed support for §127.276(d)(2)(D) in Entrepreneurship II that requires students to define scaling as it applies to growing a business.

Response. The SBOE agrees and took action to adopt the proposed new entrepreneurship TEKS.

Comment. One representative from business and industry suggested that, in addition to §127.276(d)(12)(A) related to creating and justifying a pricing structure for a start-up business, students should also be required to compare various pricing models and revenue models, including one-time purchases versus recurring revenue models.

Response. The SBOE disagrees and has determined that §127.276(d)(12)(A) is appropriate as proposed.

Comment. One representative from business and industry stated that there is not enough emphasis on understanding sociology and psychology in the Practicum in Entrepreneurship course as proposed. The commenter explained that sociology and psychology are two of the most significant elements of entrepreneurship and the driving factors of consumer behavior and business success.

Response. The SBOE agrees and took action to add new §127.277(d)(2)(J) to read, "analyze how psychology and sociology explain factors that drive customer behavior and impact business success."

Comment. One administrator expressed support for the proposal to revise and approve the innovative course Practicum of Entrepreneurship as a new TEKS-based course.

Response. The SBOE agrees and took action to adopt the proposed new TEKS for Practicum in Entrepreneurship.

Comment. One administrator stated that the public should be provided with guidance on the following statement found in both §127.277, Practicum of Entrepreneurship, and §127.278, Extended Practicum of Entrepreneurship: "This course can serve in multiple career and technical education (CTE) programs of study." The commenter explained that there is a list of the programs of study in which these courses can serve and those programs should be identified in the TEKS for clarity.

Response. The SBOE disagrees that programs of study should be listed in the TEKS as programs of study will likely change more frequently than the standards.

Comment. One administrator suggested that the proposed new Practicum of Entrepreneurship and Extended Practicum of Entrepreneurship courses should serve in all CTE programs of

study because entrepreneurship is not limited to any one career cluster.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One administrator stated the changes proposed to career preparation and entrepreneurship TEKS would enrich and expand the CTE experience for students and allow students to be even more college and career ready and prepared to compete in the global marketplace.

Response. The SBOE agrees and took action to adopt the proposed new career preparation and entrepreneurship TEKS as amended.

SUBCHAPTER B. HIGH SCHOOL

19 TAC §§127.19 - 127.22

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; and TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

§127.20. *Career Preparation General (Two Credits), Adopted 2023.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisite: at least one credit in a career and technical education course. Students shall be awarded two credits for successful completion of this course. This course may be related to or outside the student's program of study.

(1) A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(2) A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation for Programs of Study, and Extended Career Preparation.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) Career planning is a critical step and is essential to success. Applying to multiple career and technical education clusters, the career preparation courses provide students with a framework for current employment and future career opportunities to become productive and contributing members of society.

(3) Career Preparation General provides opportunities for students to participate in a work-based learning environment that incorporates continuous collaborative feedback between the employer, teacher, and student. This course combines classroom instruction with business and industry employment experiences that may be outside the student's current program of study. The goal is for students to obtain entry-level employment developing a variety of skills for obtaining and maintaining employment. Career preparation is relevant and rigorous, supports student attainment of academic standards, and effectively prepares students for college and career success.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional employability skills to gain an entry-level position. The student is expected to:

(A) identify different methods to gain employment such as employer websites, job search engines, business locations, networking, and local open forums for job opportunities;

(B) identify and demonstrate essential workplace skills such as eye contact, professional greetings, punctuality, appropriate dress, and effective communication to gain employment;

(C) develop a cover letter and create a resume, curriculum vitae (CV), or portfolio;

(D) demonstrate proper interview techniques in a variety of situations;

(E) create pre-employment documents, including thank you letters, and post-employment documents, including a resignation letter with customary notice provisions;

(F) complete appropriate employment documents, including application, offer letter, I-9 form, and W-4 form; and

(G) describe the benefits of having a job and being self-sufficient.

(2) The student develops essential skills necessary for success in the workplace. The student is expected to:

(A) identify and model appropriate hygiene, grooming, and attire for various workplaces;

(B) demonstrate professionalism by being dependable, working hard, respecting authority, solving problems, taking initiative, communicating effectively, listening actively, and resolving conflicts;

(C) model appropriate workplace etiquette in physical and digital environments;

(D) demonstrate accountability by working with other employees to support the organization, completing assigned tasks and taking responsibility for mistakes; and

(E) demonstrate time management, including prioritizing work to fulfill responsibilities and meeting deadlines.

(3) The student applies academic skills to the workplace. The student is expected to:

(A) apply appropriate industry-specific mathematical skills;

(B) develop and analyze a personal budget for a variety of economic situations such as part-time and full-time employment;

(C) interpret data from industry-specific tables, charts, and graphs to find solutions to problems;

(D) organize, write, and curate industry-specific documents and electronic communication using appropriate language;

(E) interpret and calculate information included in an earnings statement, including wages, Federal Insurance Contributions Act (FICA) deductions, taxes, and other benefits such as tips earned; and

(F) explain how debt affects financial stability.

(4) The student exemplifies appropriate interpersonal skills in the workplace. The student is expected to:

(A) explain how interpersonal skills affect human relations on the job;

(B) differentiate between characteristics of successful and non-successful working relationships;

(C) explain the importance of respecting the rights of others;

(D) explain how different personalities, experiences, and workstyles of employees can affect the workplace; and

(E) demonstrate professional verbal and nonverbal communication, including proper phone usage, body language, and interactions with customers and coworkers in person and online.

(5) The student applies ethical codes of conduct and legal responsibilities within school and the workplace. The student is expected to:

(A) research and explain workplace policies and procedures related to absence reporting, employee theft, sexual harassment, recognized holidays, workplace safety, acceptable use policy, jury duty, attendance and punctuality, drug-free workplace, and related consequences;

(B) demonstrate responsible behavior by following applicable workplace and school codes of conduct with integrity;

(C) discuss the importance of ethical behavior in the workplace such as treating others with respect, being honest, working to full potential, and developing a quality work product;

(D) summarize the importance of the Fair Labor Standards Act;

(E) describe the potential consequences of violating privacy laws related to Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act (HIPAA), and Children's Online Privacy Protection Rule (COPPA);

(F) research and explain the origins and legislative intent of the Civil Rights Act of 1964, Title VII, and the Education Amendments of 1972, Title IX, and the rights and responsibilities established by these laws; and

(G) research and describe laws and regulations related to a student's employment or a chosen industry or career.

(6) The student applies concepts and skills related to safety in the workplace. The student is expected to:

(A) identify and demonstrate safe working practices in the workplace;

(B) identify and illustrate solutions related to unsafe work practices;

(C) explain the importance of Occupational Safety and Health Administration regulations in the workplace; and

(D) describe physical health and mental wellness practices that influence job performance.

(7) The student evaluates personal attitudes, work habits, and skills that support job retention and advancement. The student is expected to:

(A) identify and develop effective leadership skills through participation in activities such as career and technical student organizations;

(B) identify appropriate certifications in the current employment position or desired occupational area;

(C) compare rewards and demands associated with various levels of employment in a variety of careers;

(D) investigate and compare career options by completing interest surveys, career aptitude tests, and skill inventories;

(E) generate short- and long-term Specific, Measurable, Attainable, Realistic, Time-Bound (SMART) goals for personal and career growth;

(F) research and explain methods for developing a growth mindset;

(G) summarize how to appropriately self-advocate in the workplace; and

(H) explain the impact of an employee self-evaluations, management performance evaluations, and employee feedback responses on personal job growth.

(8) The student identifies skills and attributes necessary for professional success. The student is expected to:

(A) evaluate and compare career options, including salaries and benefits;

(B) describe how interests, abilities, personal priorities, and family responsibilities affect career choices;

(C) identify continuing education opportunities that enhance career advancement and promote lifelong learning;

(D) analyze the future employment outlook in an occupational area of interest;

(E) describe entrepreneurial opportunities in an occupational area of interest; and

(F) evaluate strategies for career retention and advancement in response to the changing global workforce.

§127.21. *Career Preparation for Programs of Study (Two Credits), Adopted 2023.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(b) General requirements. This course is recommended for students in Grade 12. Prerequisite: at least one Level 2 or higher career and technical education course. Students shall be awarded two credits for successful completion of this course.

(1) A student's employment experience connected with this course must be related to the student's program of study.

(2) A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(3) A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation for Programs of Study, and Extended Career Preparation.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) Career planning is a critical step and is essential to success. Applying to multiple career and technical education clusters, the career preparation courses provide students with a framework for current employment and future career opportunities to become productive and contributing members of society.

(3) Career Preparation for Programs of Study provides additional opportunities for students to develop business and industry employment experiences, which must be related to the student's current program of study alongside advanced classroom instruction. The goal is to prepare students with a variety of skills to transition from job- to career-mindedness. This course provides a continuing focus on collaborative feedback between the employer, teacher, and student. Career Preparation for Programs of Study expands on Career Preparation General by increasing rigor, supporting student attainment of academic standards, and effectively preparing students for college and career success.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student applies and evaluates employability skills to improve the student's marketability within the workplace. The student is expected to:

(A) differentiate between a job and a career;

(B) refine an industry-specific professional portfolio or resume;

(C) identify appropriate sources for writing and obtain letters of recommendation;

(D) model proper interview skills based on a chosen career cluster;

(E) evaluate the effectiveness of various methods to gain employment;

(F) describe how having a job can lead to a career and self-sufficiency; and

(G) identify and explain work-based benefits such as health insurance, direct deposit, and retirement contributions.

(2) The student demonstrates essential skills necessary for success in the workplace. The student is expected to:

(A) maintain appropriate hygiene, grooming, and attire for the workplace;

(B) model appropriate workplace etiquette in physical and digital environments;

(C) justify time-management decisions to fulfill responsibilities and meet deadlines;

(D) analyze employer expectations by reflecting on evaluations;

(E) demonstrate effective listening skills used in the workplace through appropriate interactions with customers and coworkers; and

(F) cultivate and improve professionalism by continuously being dependable, working hard, respecting authority, solving problems, taking initiative, communicating effectively, and listening actively.

(3) The student applies and enhances academic knowledge and skills in the workplace. The student is expected to:

(A) integrate mathematical concepts into business transactions such as counting inventory, calculating discounts, and conducting cash transactions;

(B) compare earning potential for careers within a selected program of study with personal financial goals;

(C) analyze and apply data from industry-specific tables, charts, or graphs to generate solutions to problems; and

(D) analyze and synthesize information from electronic communications, including forms, reports, or summaries.

(4) The student demonstrates leadership qualities by applying work ethic, job expectations, multicultural considerations, and communication skills in the workplace. The student is expected to:

(A) identify positive interpersonal skills, including conflict resolution, effective communication, and respect for all people, and model these skills as a mentor with peers;

(B) apply effective verbal, nonverbal, written, or electronic communication skills to a variety of audiences;

(C) define personal integrity and evaluate its effects on human relations in the workplace;

(D) classify a variety of working relationships into functional and dysfunctional characteristics; and

(E) participate in leadership and career-development activities related to a selected program of study.

(5) The student models ethical codes of conduct and legal responsibilities within school and the workplace. The student is expected to:

(A) evaluate provisions of the Fair Labor Standards Act;

(B) analyze the legal consequences of violating privacy laws related to Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act (HIPAA), and Children's Online Privacy Protection Act (COPPA);

(C) research and describe laws governing different professions within a selected program of study;

(D) analyze organizational policies and procedures and ethical standards from the student's current place of employment; and

(E) interpret and evaluate the rights and responsibilities of employers and employees.

(6) The student applies concepts and skills related to safety in the workplace. The student is expected to:

(A) research and describe different types of identity theft to identify associated risks and prevention strategies;

(B) identify and evaluate consequences of breach of personal and occupational safety practices in the workplace;

(C) model safe working practices at a training station;

(D) evaluate the impact of Occupational Safety and Health Administration regulations in the workplace; and

(E) analyze how physical health and mental wellness practices influence career longevity and satisfaction in a career within a selected program of study.

(7) The student models the skills that support employment retention and advancement. The student is expected to:

(A) create a personal growth plan that identifies relevant certifications, postsecondary opportunities, and technical skills required for various levels of employment based on a chosen career within a selected program of study and describe how to obtain them;

(B) develop short- and long-term Specific, Measurable, Attainable, Realistic, Time-Bound (SMART) goals based on personal and professional growth plans;

(C) analyze the rewards and demands of career advancement;

(D) model appropriate self-advocacy in various workplace scenarios;

(E) compare current employee performance evaluations to previous evaluations to identify areas of growth and opportunities for continued development; and

(F) evaluate and compare employment advancement considerations such as salaries, benefits, and qualifications.

(8) The student analyzes postsecondary career opportunities within a selected program of study. The student is expected to:

(A) research and compare declining and growth industries across career clusters;

(B) identify and analyze future job growth within a selected program of study based on societal needs;

(C) analyze the skills required to be successful in emerging industries;

(D) identify continuing education opportunities to determine education and training requirements for future careers within a selected program of study;

(E) research and evaluate entrepreneurial opportunities related to a selected program of study; and

(F) evaluate how personal priorities such as interests, abilities, and family responsibilities may influence career choice.

§127.22. *Extended Career Preparation (One Credit), Adopted 2023.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Corequisite: Career Preparation Gen-

eral or Career Preparation for Programs of Study. This course must be taken concurrently with Career Preparation General or Career Preparation for Programs of Study and may not be taken as a stand-alone course. Students shall be awarded one credit for successful completion of this course.

(1) A student may repeat this course one time for credit provided that the student is experiencing different aspects of an industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(2) A student may not earn more than six credits for any combination of career preparation courses selected from Career Preparation General, Career Preparation for Programs of Study, and Extended Career Preparation.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) Career planning is a critical step and is essential to success. Applying to multiple career and technical education clusters, the career preparation courses provide students with a framework for current employment and future career opportunities to become productive and contributing members of society.

(3) Extended Career Preparation is an enhancement and extension to Career Preparation General or Career Preparation for Programs of Study to provide additional opportunities for students to participate in a work-based learning experience that combines classroom instruction with business and industry employment experiences that may be outside the student's current program of study. The goal is to provide students additional time for deeper exploration of skills in the workplace. Career preparation is relevant and rigorous, supports student attainment of academic standards, and effectively prepares students for college and career success.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates employability skills as required by business and industry. The student is expected to:

(A) identify and participate in training, education, or preparation for licensure, certification, or other relevant credentials to prepare for employment;

(B) complete work tasks with high standards to ensure delivery of quality products and services; and

(C) demonstrate and apply planning and time-management skills to work tasks.

(2) The student demonstrates essential skills for success in the workplace. The student is expected to:

(A) demonstrate and apply professional standards and personal qualities needed to be employable such as punctuality, initiative, patience, kindness, respect for authority, and cooperation;

(B) apply appropriate content knowledge, technical concepts, and vocabulary in the workplace;

(C) apply effective listening skills to obtain and clarify information in the workplace; and

(D) maintain appropriate hygiene, grooming, and attire in the workplace.

(3) The student applies and enhances academic knowledge and skills in the workplace. The student is expected to:

(A) employ critical-thinking skills to solve problems and make decisions; and

(B) analyze elements of a problem to develop creative and innovative solutions.

(4) The student exemplifies appropriate interpersonal and communication skills in the workplace. The student is expected to:

(A) demonstrate teamwork using conflict-management skills to achieve collective goals;

(B) apply verbal and non-verbal communication skills consistently in a manner that is clear, concise, and effective; and

(C) model effective internal and external communications to support work activities.

(5) The student models ethical codes of conduct and legal responsibilities within the workplace. The student is expected to:

(A) demonstrate a positive work ethic by performing assigned tasks as directed;

(B) model ethical reasoning in workplace situations;

(C) comply with all applicable rules, laws, and regulations in the workplace; and

(D) research and explain the roles of the Equal Employment Opportunity Commission (EEOC) and the Texas Workforce Commission (TWC) in the workplace.

(6) The student applies concepts and skills related to safety in the workplace. The student is expected to:

(A) follow workplace safety rules and regulations consistently;

(B) operate tools and equipment used in the workplace safely;

(C) report and handle accidents and safety incidents according to workplace procedures as necessary; and

(D) describe and perform a hazard analysis of the workplace.

(7) The student participates in a paid or an unpaid career preparation experience. The student is expected to:

(A) conduct, document, and evaluate learning activities in a supervised employment experience;

(B) assess and report on advanced technical knowledge and skills related to the student's occupational objective and growth;

(C) evaluate strengths and weaknesses in technical skill proficiency; and

(D) document experiences related to the workplace and curate work samples.

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 January 24, 2024.

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Director, Rulemaking

Texas Education Agency

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SUBCHAPTER F. BUSINESS, MARKETING, AND FINANCE

19 TAC §§127.275 - 127.278

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; and TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§7.102(c)(4), 28.002(a) and (c), and 28.025(a).

§127.275. *Entrepreneurship I (One Credit), Adopted 2023.*

(a) **Implementation.** The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(b) **General requirements.** Recommended prerequisite: Principles of Business, Marketing and Finance. Students shall be awarded one credit for successful completion of this course.

(c) **Introduction.**

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Business, Marketing, and Finance Career Cluster focuses on planning, managing, organizing, directing, and evaluating business functions essential to efficient and productive business management, finance, operations, and marketing.

(3) In Entrepreneurship I, students will gain the knowledge and skills needed to become an entrepreneur in a free enterprise system. Students will learn the key concepts necessary to begin and operate a business. The primary focus of the course is to help students identify the types and selection criteria of business structures, understand the components of a business plan, determine feasibility of an idea using research, and develop and present a business concept. In addition, students will understand the basics of management, accounting, finance, marketing, risk, and product development.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organi-

zations, local chamber of commerce meetings, and meetings with entrepreneurs, mentors, or industry experts.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) **Knowledge and skills.**

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate professional business communication skills such as verbal phone conversations and the construction of email in a professional manner, including subject line, salutation, email body, closing, and signature;

(B) model professional business norms for face-to-face and virtual interactions in alignment with business norms;

(C) identify how to conduct a meeting with professionals, including the importance of punctual attendance, wearing attire appropriate for the meeting, introducing all parties to one another, reviewing and using the meeting agenda as a guide for the meeting, taking notes during the meeting, and sending meeting outcomes to each participant after the conclusion of the meeting;

(D) communicate effectively with others using verbal and nonverbal communication, active listening, and writing skills in a business setting;

(E) demonstrate collaboration skills, including resolving conflicts, within a team setting;

(F) demonstrate a productive work ethic, including working hard, respecting authority, performing assigned tasks, following schedules, and meeting deadlines;

(G) evaluate the ethical course of action for entrepreneurs using applicable rules, laws, and regulations;

(H) demonstrate leadership skills by participating in career and technical student organizations, leading a team project, or facilitating a group discussion;

(I) demonstrate coachability skills by receiving and giving constructive feedback;

(J) demonstrate critical and analytical thinking skills when comparing business decisions; and

(K) demonstrate virtues, including trustworthiness, responsibility, and good citizenship.

(2) The student demonstrates an understanding of entrepreneurship. The student is expected to:

(A) distinguish between the terms entrepreneurship and entrepreneur;

(B) define small-, medium-, and large-sized businesses;

(C) differentiate between the various routes to entrepreneurship, including start-ups, franchising, acquisition, mergers, and non-profit ownership;

(D) identify and discuss the risks and benefits of an entrepreneurial way of life;

(E) analyze and discuss the advantages and disadvantages of entrepreneurship;

(F) distinguish between intrapreneurship and entrepreneurship; and

(G) identify the role entrepreneurship plays in innovation within a free-market economy.

(3) The student researches corporations, limited liability corporations, franchises, partnerships, limited partnerships, and sole proprietorships to understand business structures. The student is expected to:

(A) evaluate the advantages and disadvantages involved with the ownership of corporations, limited liability corporations, franchises, partnerships, limited partnerships, and sole proprietorships, including control, tax implications, risk, and liability;

(B) differentiate between management structures for different types of business;

(C) investigate local businesses and classify them by their business structures; and

(D) identify the primary importance of shareholders.

(4) The student engages in discovery activities related to entrepreneurship. The student is expected to:

(A) complete a career interest inventory or career aptitude test and a personality assessment to identify personality traits, strengths, and weaknesses;

(B) identify characteristics of successful entrepreneurs; and

(C) identify opportunities for personal growth through self-reflection activities.

(5) The student identifies problems and creates solutions to address market wants and needs. The student is expected to:

(A) identify and analyze problems in the marketplace through an ideation process and market research;

(B) describe possible solutions for the marketplace problems identified; and

(C) determine the feasibility of a solution by performing a features-benefits-value analysis.

(6) The student understands the key components included in a business plan. The student is expected to:

(A) define and explain basic accounting terms, including revenue; expenses; cash; accounts receivable; accounts payable; fixed assets; liquid assets; inventory; liabilities; cost of goods sold; earnings before interest, taxes, depreciation, and amortization (EBITDA); gross profit; net profit; forecasts; cash flow; return on investment; and owners' equity;

(B) identify possible diversified revenue streams and explain how to generate various revenue streams for a business;

(C) define and explain variable, fixed, and mixed costs;

(D) identify the components of key financial statements of a business plan, including balance sheet, profit and loss statement, and cash flow statement;

(E) calculate unit economics and a break-even point using sample data;

(F) define and explain different channels of distribution;

(G) define and explain demographics, psychographics, and geographics as related to potential customer segment;

(H) provide examples of market segments;

(I) compare various pricing strategies such as cost-plus pricing, price skimming, penetration pricing, premium pricing, and value-based pricing;

(J) define and explain a competitive analysis;

(K) analyze and explain different types of marketing and sales strategies, including digital and social media marketing;

(L) identify and define key performance metrics and describe how they may vary by industry; and

(M) describe the unique value proposition of a product or service that provides a competitive edge against existing competitors.

(7) The student demonstrates an understanding of a business planning methodology. The student is expected to:

(A) identify the components of a business planning tool, including the Business Model Canvas; and

(B) apply a business planning template to an existing business.

(8) The student creates a plan for a preliminary business concept. The student is expected to:

(A) identify a current market need or problem;

(B) identify a product or service to address the market need or problem;

(C) explain the unique value proposition of the product or service;

(D) explain potential impacts of the availability of the product or service on a selected target market; and

(E) summarize the feasibility and key elements of the business venture.

(9) The student develops and delivers a comprehensive presentation on a preliminary business concept. The student is expected to:

(A) identify and explain the components of a pitch;

(B) create a pitch for a preliminary business concept;

(C) align presentation strategies to the intended audience and purpose;

(D) select and implement effective multimedia strategies for a presentation;

(E) provide and receive constructive feedback following a presentation; and

(F) demonstrate effective presentation skills.

(10) The student knows how to access and use organizations and resources to support entrepreneurs. The student is expected to:

(A) identify and compare the opportunities of various local, state, and national organizations and associations that provide resources to entrepreneurs, including startup grants and loans; and

(B) analyze the benefits of the various services provided by the Small Business Administration, Small Business Development Centers, Service Corps of Retired Executives (SCORE), chambers of commerce, institutions of higher education, and industry-related associations.

§127.276. *Entrepreneurship II (One Credit), Adopted 2023.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: Entrepreneurship I. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Business, Marketing, and Finance Career Cluster focuses on planning, managing, organizing, directing, and evaluating business functions essential to efficient and productive business management, finance, operations, and marketing.

(3) In Entrepreneurship II, students gain the knowledge and skills needed to become successful entrepreneurs within an innovative marketplace in a free enterprise system. The goal and outcome of the course are for students to have a business launched by the end of the course or have the tools necessary to launch and operate a business. In this course, students learn and initiate the process of taking a business plan from idea to implementation. Students are encouraged to work in close cooperation with local industry leaders and community members to develop ideas and objectives, complete a business planning tool, pitch for funding, and register with governmental agencies.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations, local chamber of commerce meetings, and meetings with entrepreneurs, mentors, or industry experts.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate professional business skills through written and oral communication;

(B) demonstrate a productive work ethic by using a personal calendar, task list, and project management tools;

(C) conduct meetings in face-to-face and virtual settings by creating an agenda, confirming the meeting, using an agenda as a guide for the meeting, and sending meeting follow-up correspondence;

(D) demonstrate collaboration skills within a diverse team setting;

(E) identify an ethical course of action in a business setting;

(F) demonstrate leadership skills by participating in career and technical student organizations, leading a team project, or facilitating a group discussion;

(G) demonstrate coachability skills by working hard, respecting authority, and using feedback to inform decision making;

(H) set short- and long-term goals;

(I) identify appropriate business attire in various work settings;

(J) demonstrate critical and analytical thinking skills when comparing business decisions; and

(K) demonstrate virtues, including trustworthiness, responsibility, and good citizenship.

(2) The student demonstrates an understanding of the entrepreneurial environment. The student is expected to:

(A) compare the advantages and disadvantages of corporations, franchises, partnerships, limited-liability companies, and sole-proprietorships;

(B) evaluate the factors involved with starting, acquiring, or expanding a business;

(C) describe franchise opportunities and ownership requirements;

(D) define scaling as it applies to growing a business;

(E) self-reflect on and evaluate personal strengths for becoming a successful entrepreneur; and

(F) analyze opportunity costs for a given business example.

(3) The student engages in the ideation process and determines the feasibility of an entrepreneurial venture. The student is expected to:

(A) identify and analyze problems in the marketplace through an ideation process;

(B) analyze market research to identify possible solutions to a problem;

(C) identify the customer segment affected by a problem;

(D) research, develop, and implement focus group questions for a specific customer segment;

(E) evaluate the feasibility of possible solutions to a problem, including a competitive analysis such as a strength, weakness, opportunities, and threats (SWOT) analysis; and

(F) select and present the most viable solution to a problem based on market research, feasibility, and customer segmentation.

(4) The student creates a minimum viable product (MVP) for a start-up business. The student is expected to:

(A) define minimum viable product and unique value proposition for a good or service;

(B) create a minimum viable product to a solution generated from an ideation process;

(C) identify unique value proposition(s) of a minimum viable product;

(D) present the minimum viable product, including the unique value proposition(s), for feedback; and

(E) conduct market testing of the minimum viable product.

(5) The student understands how to select a funding source for a start-up business. The student is expected to:

(A) compare the advantages and disadvantages of potential funding sources, including crowdsourcing, private equity firms,

venture capitalists, banks and other lenders, friends and relatives, grants, state and local development agencies, and angel investors;

(B) identify predatory lending schemes and practices; and

(C) evaluate risks and benefits of various funding sources from short- and long-term perspectives.

(6) The student determines an ownership structure for a start-up business. The student is expected to:

(A) compare ownership structures for a start-up business;

(B) select an ownership structure and explain why it is appropriate for a start-up business; and

(C) explain the process for legally registering and obtaining a tax status for a start-up business for a selected ownership structure.

(7) The student uses a business planning tool to develop a start-up business concept. The student is expected to:

(A) research business plan outlines, resources, and templates such as Business Model Canvas, lean business model template, or a traditional business plan template;

(B) select an appropriate business planning tool for a start-up business;

(C) complete the components of a selected business planning tool for a start-up business concept; and

(D) present a start-up business concept for feedback.

(8) The student demonstrates an understanding of accounting and financial practices. The student is expected to:

(A) explain the importance of budgeting and cash flow, including burn rate;

(B) identify revenues and expenses for a start-up business;

(C) explain the importance of and interrelationship between financial statements, including a profit and loss statement, balance sheet, and statement of cash flow;

(D) create an operational budget for a start-up business;

(E) create a monthly projected financial statement for a three-year period for a start-up business;

(F) identify accounting tools and services such as accounting and bookkeeping software, payroll services, and tax services; and

(G) select appropriate accounting tools and services for a start-up business.

(9) The student demonstrates an understanding of the legal and regulatory environment for a business. The student is expected to:

(A) differentiate ways to protect intellectual property;

(B) distinguish between the advantages and disadvantages of a patent;

(C) determine the types of licenses a start-up business might be required to obtain, including a business license, employer identification number, name registry, professional license, and occupational license;

(D) examine the role of government agencies that oversee business regulations and determine the regulatory implications for a start-up business;

(E) examine the role of workplace safety and health in the regulatory environment and determine its implications for a start-up business;

(F) analyze the purpose of legally binding contracts;

(G) explain the implications of tax laws on a business;

(H) describe the impact of labor laws when creating a start-up business;

(I) create a sample contract for a start-up business such as sales, employment, purchase, lease, or non-disclosure agreement; and

(J) examine implications of sexual harassment and workplace violence on a business.

(10) The student demonstrates an understanding of ethical and moral obligations in entrepreneurship as they relate to shareholders, employees, customers, and the community. The student is expected to:

(A) develop ideas to build a moral and ethical business culture;

(B) evaluate the impact of unethical and immoral practices on stakeholders;

(C) create the core values for a start-up business; and

(D) create purpose, vision, and mission statements for a start-up business.

(11) The student understands the impact of leadership, human resources, and management on a start-up business. The student is expected to:

(A) distinguish between leadership and management;

(B) explore and identify personal leadership style;

(C) develop recruitment, hiring, and retention strategies for a start-up business;

(D) examine and describe effective leadership and management strategies;

(E) create an organizational chart for a start-up business;

(F) create job descriptions for key roles in a start-up business; and

(G) explain how company culture impacts recruitment and retention.

(12) The student determines a pricing structure for a start-up business. The student is expected to:

(A) create and justify a pricing structure for a start-up business;

(B) develop and analyze pricing objectives;

(C) use sample data to calculate prices, markups, and discounts for a start-up business;

(D) calculate unit economics and a break-even point for a start-up business; and

(E) explain the role of supply and demand on pricing.

(13) The student determines effective marketing and promotional strategies for a start-up business. The student is expected to:

- (A) develop promotional objectives;
- (B) create a marketing plan for a start-up business that includes the use of internet, social media, and sales strategies;
- (C) analyze customer buying behavior to inform promotional decision-making;
- (D) create promotional materials using appropriate technology;
- (E) conduct a market test to measure promotional effectiveness;
- (F) explain the role of search engine optimization as a marketing strategy;
- (G) select an appropriate point-of-sale or e-commerce payment method; and
- (H) compare how promotional strategies change during the product life cycle.

(14) The student understands the role of distribution and supply chain management for a start-up business. The student is expected to:

- (A) determine distribution costs associated with transportation, storage, product handling, and inventory control;
- (B) explain how distribution adds value to a product or service by providing place, possession, and time utility to a consumer;
- (C) select suppliers for the production of goods and services; and
- (D) analyze risks and challenges with supply chain management and distribution.

(15) The student understands key metrics to measure the success of a business. The student is expected to:

- (A) explain the role and importance of key metrics as a measure of success;
- (B) identify and define common key metrics; and
- (C) select and justify key metrics for a start-up business.

(16) The student presents a well-organized business plan. The student is expected to:

- (A) create and present a comprehensive business plan that includes business description, target market, key metrics, revenue streams, pricing structure, competitive advantage, unique value proposition, distribution channels, and financial forecast;
- (B) identify the purpose of and present an elevator pitch;
- (C) create and deliver a presentation for start-up business funding;
- (D) select and implement effective multimedia strategies for a presentation;
- (E) provide and receive constructive feedback following a presentation;
- (F) demonstrate effective presentation skills; and
- (G) create an executive summary.

(17) The student understands the process for launching a start-up business. The student is expected to:

- (A) research and identify the process for launching a start-up business in the local area;
- (B) evaluate insurance costs, locations, and loan terms; and
- (C) assess equipment needs and other resources needed to launch the business.

§127.277. *Practicum in Entrepreneurship (Two Credits), Adopted 2023.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisites: Entrepreneurship I and Entrepreneurship II or successful completion of at least two courses in a career and technical education (CTE) program of study. Students shall be awarded two credits for successful completion of this course. A student may repeat this course once for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) This course can serve in multiple CTE programs of study, as it focuses on planning, managing, organizing, directing, and evaluating business functions essential to efficient and productive business management, finance, operations, and marketing related to the student's industry focus.

(3) Practicum in Entrepreneurship provides students the opportunity to apply classroom learning and experiences to real-world business problems and opportunities in a free enterprise system while expanding their skill sets and professional relationships as a real or simulated business owner versus the experience one would have as an employee. Students will prepare for an entrepreneurial career in their area of interest in their career cluster and build on and apply the knowledge and skills gained from courses taken in an array of career areas. Practicum experiences occur in a paid or an unpaid arrangement and a variety of locations appropriate to the nature and level of the student's need for work-based learning experience. Students implement personal and interpersonal skills to strengthen individual performance in the workplace and in society and to make a successful transition to the workforce or postsecondary education. It is recommended that students are paired with local business owners or employers in their specific industry program of study.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations, local chamber of commerce meetings, and meetings with entrepreneurs, mentors, or industry experts.

(5) Students are encouraged to transition from the idea phase to action and implementation of a business, including validation through sales in a real or simulated scenario.

(6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills required by business and industry. The student is expected to:

(A) participate in a paid or an unpaid laboratory or work-based application of previously studied knowledge and skills related to entrepreneurship;

(B) demonstrate professional business skills through written and oral communication;

(C) demonstrate collaboration skills through teamwork and constructive dialogue;

(D) demonstrate professionalism by behaving in a manner appropriate for the profession and workplace;

(E) demonstrate a positive, productive work ethic by performing assigned tasks as directed;

(F) comply with all applicable rules, laws, and regulations;

(G) demonstrate time-management skills by prioritizing tasks, following schedules, and accomplishing goal-relevant activities in a way that uses time wisely and optimizes efficiency and results;

(H) identify appropriate business attire for the selected workplace; and

(I) demonstrate critical and analytical thinking skills when comparing business decisions.

(2) The student analyzes major problem areas and potential problem areas for entrepreneurs while demonstrating an understanding of leverage points and constraints. The student is expected to:

(A) assess businesses that have failed, determine factors associated with business closure, and prepare and present analysis to peers;

(B) research and analyze risks faced by entrepreneurs;

(C) evaluate entrepreneurial risk versus opportunity for a given business example;

(D) describe how entrepreneurship differs from working for an employer;

(E) analyze personal aptitude for entrepreneurship;

(F) describe how entrepreneurs must manage organizational finances;

(G) research and apply the entrepreneur's approach to risk-taking as it applies to business decision-making;

(H) explore and explain a company's competitive advantage in its field of interest;

(I) analyze the risks and rewards of business ownership by interviewing an entrepreneur in a chosen field of interest; and

(J) analyze how psychology and sociology explain factors that drive customer behavior and impact business success.

(3) The student identifies the appropriate legal structure, benefits, and drawbacks for different business types. The student is expected to:

(A) describe the different basic types of business formation, including sole proprietorship, partnership, corporation, and limited liability company;

(B) compare the benefits and drawbacks for each type of business structure such as personal liability and taxes; and

(C) research an existing business and simulate liability issues associated with its type of business structure through role-play.

(4) The student determines how to obtain funding and all associated costs needed to start a particular business. The student is expected to:

(A) describe all materials, facilities, technology, inventory, and personnel that will be needed to start and sustain the business;

(B) devise a timeline of tasks that must be completed, including the associated costs;

(C) list and describe all supplies, personnel wages and salaries, inventories, insurance, utilities, repair and maintenance, and other operating costs associated with funding the business once it is operating;

(D) document and analyze the costs associated with operating the business, using cash flow and return on investment as a means of evaluation;

(E) estimate how much money will be needed on-hand to operate the business until the break-even point;

(F) seek the advice of mentors from industry to analyze and discuss actual business situations and funding options to assist the student with a business idea;

(G) create and analyze financial statements to identify ways to improve business performance in a business model of choice; and

(H) define cash burn in relationship to a business's viability.

(5) The student examines the responsibilities businesses have to employees and the community. The student is expected to:

(A) explain the benefits of a business that contributes to the economic well-being of its employees and community;

(B) research and describe the methods in which a business can ensure economic growth and provide jobs;

(C) explore and analyze the health and safety responsibilities a business has to the community and its employees; and

(D) research and identify how businesses are making investments in community infrastructure.

(6) The student analyzes for-profit and non-profit business growth and exit strategies. The student is expected to:

(A) compare business growth strategies and identify and defend the most favorable for a potential business;

(B) describe methods that a business owner can use to obtain financial support to expand a business;

(C) identify and explain various methods an entrepreneur can use to determine how much a business is worth;

(D) analyze various paths to exit a business and the impact from startup decisions; and

(E) explain the factors an entrepreneur should consider when preparing to exit a business.

(7) The student collaborates in small groups to complete a project-based research activity to develop critical thinking and creative problem solving. The student is expected to:

(A) analyze a real-world work site and research an existing issue or problem the business is experiencing;

(B) research and report how to resolve the business problem;

(C) develop a proposal for future business opportunities; and

(D) determine how to create business relationships or alliances that would be beneficial to the business.

§127.278. *Extended Practicum in Entrepreneurship (One Credit), Adopted 2023.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. The practicum course is a paid or an unpaid capstone experience for students participating in a coherent sequence of career and technical education (CTE) courses in the Marketing Career Cluster. Recommended prerequisites: Entrepreneurship I and Entrepreneurship II or successful completion of at least two courses in a CTE program of study. Corequisite: Practicum in Entrepreneurship. This course must be taken concurrently with Practicum in Entrepreneurship and may not be taken as a stand-alone course. Students shall be awarded one credit for successful completion of this course. A student may repeat this course once for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) This course can serve in multiple CTE programs of study, as it focuses on planning, managing, organizing, directing, and evaluating business functions essential to efficient and productive business management, finance, operations, and marketing related to the student's industry focus.

(3) Extended Practicum in Entrepreneurship provides students the opportunity to apply classroom learning and experiences to real-world business problems and opportunities in a free enterprise system while expanding their skill sets and professional relationships as a real or simulated business owner versus the experience one would have as an employee. Students will prepare for an entrepreneurial career in their area of interest in their career cluster and build on and apply the knowledge and skills gained from courses taken in an array of career areas. Practicum experiences occur in a paid or an unpaid arrangement and a variety of locations appropriate to the nature and level of the student's need for work-based learning experience. Students implement personal and interpersonal skills to strengthen individual performance in the workplace and in society and to make a successful transition to the workforce or postsecondary education. It is recommended that students are paired with local business owners or employers in their specific industry program of study.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations, local chamber of commerce meetings, and meetings with entrepreneurs, mentors, or industry experts.

(5) Students are encouraged to transition from the idea phase to action and implementation of a business, including validation through sales in a real or simulated scenario.

(6) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) participate in a paid or an unpaid, laboratory- or work-based application of previously studied knowledge and skills related to entrepreneurship;

(B) participate in training, education, or preparation for licensure, certification, or other relevant credentials to prepare for employment;

(C) demonstrate professional standards and personal qualities needed to succeed as an entrepreneur such as diligence, perseverance, self-discipline, integrity, customer service, work ethic, and adaptability with increased fluency;

(D) demonstrate use of business information management tools with increased fluency for relevant projects;

(E) employ teamwork and conflict-management skills with increased fluency to achieve collective goals; and

(F) employ planning and time-management skills and tools with increased fluency to enhance results and complete work tasks.

(2) The student applies professional communications strategies. The student is expected to:

(A) demonstrate proper use of written, verbal, and visual communication techniques with increased proficiency;

(B) apply active listening skills to obtain and clarify information;

(C) create and deliver formal and informal presentations effectively;

(D) analyze, interpret, and effectively communicate information; and

(E) exhibit positive customer/client communication skills to maintain effective internal and external business relationships.

(3) The student implements advanced problem-solving methods. The student is expected to:

(A) employ critical-thinking skills with increased fluency both independently and in groups to solve problems and make decisions;

(B) conduct technical research to gather information necessary for decision making; and

(C) analyze elements of a problem to develop creative and innovative solutions.

(4) The student understands and applies proper safety and security techniques in the workplace. The student is expected to:

(A) demonstrate understanding of and consistently follow workplace safety rules and regulations; and

(B) adhere to technology safety and cybersecurity policies such as acceptable use policy and webpage policies.

(5) The student understands the ethical and legal responsibilities in entrepreneurship. The student is expected to:

(A) apply appropriate responses to workplace situations based on personal or professional ethical responsibilities;

(B) demonstrate integrity by choosing the ethical course of action when making decisions; and

(C) comply with all applicable rules, laws, and regulations for the selected industry.

(6) The student participates in an entrepreneurial experience. The student is expected to:

(A) conduct, document, and evaluate learning activities in a supervised experience;

(B) develop advanced technical knowledge and skills related to the student's occupational objective;

(C) demonstrate use of information technology tools to manage and perform work responsibilities;

(D) create customary styles of documents such as memoranda, letters, emails, and reports, as appropriate, to an industry of choice;

(E) apply the elements and processes of entrepreneurship to grow a business idea and meet customer expectations;

(F) demonstrate growth of technical skill competencies;

(G) evaluate strengths and weaknesses in technical skill proficiency; and

(H) collect representative work samples.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Texas Education Agency

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



TITLE 30. ENVIRONMENTAL QUALITY

PART 1. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 334. UNDERGROUND AND ABOVEGROUND STORAGE TANKS

SUBCHAPTER C. TECHNICAL STANDARDS

30 TAC §334.48

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) adopts the amendment to §334.48.

Amended §334.48 is adopted *without change* to the proposed text as published in the September 22, 2023, issue of the *Texas Register* (48 TexReg 5528) and, therefore, will not be republished.

Background and Summary of the Factual Basis for the Adopted Rule

Since the beginning of Texas' underground storage tank (UST) program in 1989, the commission's rules have required that effective manual or automatic inventory control procedures be conducted for all underground storage tank systems at "retail service stations," as defined in 30 Texas Administrative Code (TAC) §334.2(102). This requirement applies regardless of which release detection method is selected by an owner or operator under 30 TAC §334.50. Because newer technologies have been developed, and interstitial monitoring is required for all UST systems installed after January 1, 2009, it has become unnecessary for all retail service stations to employ both inventory control procedures and the selected release detection method.

Section by Section Discussion

§334.48(c), *Inventory Control*.

The commission adopts to amend §334.48(c) to remove the requirement for all retail service stations to conduct inventory control procedures. Inventory control must still be performed, where applicable, as a necessary component of a release detection method under 30 TAC §334.50(d)(4) and (d)(9) (*i.e.*, combination of inventory control plus automatic tank gauging or a combination of inventory control plus statistical inventory reconciliation).

Final Regulatory Impact Analysis

The commission reviewed the rulemaking adoption in light of the regulatory impact analysis requirements of the Texas Government Code, §2001.0225, and determined that the rulemaking adoption does not meet the definition of a "Major environmental rule" as defined in that statute, and in addition, if it did meet the definition, would not be subject to the requirements to prepare a Regulatory Impact Analysis.

A "Major environmental rule" means a rule, the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure, and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The specific intent of the adopted amendment to §334.48(c) is to remove a duplicate requirement of inventory control where USTs are utilizing another release detection method.

Due to the development of newer technologies, and the requirement of utilizing interstitial monitoring for all UST systems installed after January 1, 2009, the requirement that all retail service stations employ inventory control procedures in addition to a selected release detection method has become unnecessary. Inventory control must still be performed as a component of a release detection method under 30 TAC §334.50(d)(4) and (d)(9). The rulemaking adoption remains consistent with federal regulations, as it removes a Texas rule that is more stringent than federal regulations with the result being just as stringent as federal regulations.

Because the amendment places no involuntary requirements on the regulated community, the rule will not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. Also, the amendment does not place additional financial burdens on the regulated community beyond what is already required by state regulations relating to release detection.

In addition, a regulatory impact analysis is not required because the rule does not meet any of the four applicability criteria for requiring a regulatory analysis of a "Major environmental rule" as defined in the Texas Government Code. Texas Government Code, §2001.0225, applies only to a major environmental rule the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law. This rulemaking does not exceed a standard set by federal law. In addition, this rulemaking does not exceed an express requirement of state law and is not adopted solely under the general powers of the agency but is specifically authorized by the provisions cited in the Statutory Authority section of this preamble. Finally, this rulemaking does not exceed a requirement of a delegation agreement or contract to implement a state or federal program.

The commission invited public comment regarding the Draft Regulatory Impact Analysis Determination during the public comment period. No comments were received regarding the regulatory impact analysis determination.

Takings Impact Assessment

The commission evaluated the rulemaking adoption and performed an analysis of whether the adopted rule constitute a taking under Texas Government Code, Chapter 2007. The commission's assessment indicates Texas Government Code, Chapter 2007 does not apply.

Under Texas Government Code, §2007.002(5), taking means: "(A) a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or Section 17 or 19, Article I, Texas Constitution; or (B) a governmental action that: (i) affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action; and (ii) is the producing cause of a reduction of at least 25% in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect."

The specific purpose of the rulemaking adoption is to amend 30 TAC §334.48(c) to remove the requirement for all retail service stations to conduct inventory control procedures.

Inventory control must still be performed at facilities who conduct release detection under 30 TAC §334.50(d)(4) or (d)(9).

Promulgation and enforcement of the adopted rule will not be a statutory or a constitutional taking of private real property. This rule is not burdensome, restrictive, or limiting of rights to private real property because the adopted rule does not affect a landowner's rights in private real property. This rule does not burden, restrict, or limit the owner's right to property, nor does it reduce the value of any private real property by 25% or more beyond that which would otherwise exist in the absence of the

regulations. Therefore, the adopted rule will not constitute a taking under Texas Government Code, Chapter 2007.

Consistency with the Coastal Management Program

The commission reviewed the rulemaking adoption and found that it is subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act, Texas Natural Resources Code, §§33.201 *et seq.*, and therefore must be consistent with all applicable CMP goals and policies. The commission conducted a consistency determination for the adopted rule in accordance with Coastal Coordination Act Implementation Rules, 31 TAC §29.22 and found the rulemaking adoption is consistent with the applicable CMP goals and policies.

The CMP goals applicable to this rulemaking are: to protect, preserve, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas; to ensure sound management of all coastal resources by allowing for compatible economic development and multiple human uses of the coastal zone; to ensure and enhance planned public access to and enjoyment of the coastal zone in a manner that is compatible with private property rights and other uses of the coastal zone; and to balance these competing interests. (31 TAC §26.12(1), (2), (4), (5)).

The CMP policy applicable to this rulemaking adoption is the Nonpoint Source Water Pollution which requires under Texas Water Code, Chapter 26, Subchapter I (governing underground storage tanks) that underground storage tanks be located, designed, operated, inspected, and maintained so as to prevent releases of pollutants that may adversely affect coastal waters (31 TAC §26.22(c)). The rulemaking adoption is consistent with federal regulations relating to release detection and will be just as stringent. Retail service stations will continue to utilize a release detection method in accordance with 30 TAC §334.50. Therefore, in accordance with 31 TAC §29.22(a), the commission affirms that this rulemaking is consistent with CMP goals and policies.

Promulgation and enforcement of this rule will not violate or exceed any standards identified in the applicable CMP goals and policies because the adopted rule is consistent with these CMP goals and policies, and because this rule does not create or have a direct or significant adverse effect on any coastal natural resource areas.

The commission invited public comment regarding the consistency with the CMP during the public comment period. No comments were received regarding the CMP.

Public Comment

The commission held a public hearing on October 19, 2023. The comment period closed on October 23, 2023. The commission received one comment from the Texas Food and Fuel Association (TFFA) in support of the amendment. No comments were received in opposition to the amendment, and no comments were received that suggested changes to the amendment.

Response to Comments

Comment

Commenter expressed support of the rule amendment and referenced the impact of improved UST technology on release detection.

Response

TCEQ appreciates the support. No change to the rule was made in response to this comment.

Statutory Authority

The amendment is adopted under Texas Water Code (TWC), §5.102, concerning General Powers, which provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, which authorizes the commission to adopt any rules necessary to carry out the powers and duties under the provisions of the TWC and other laws of this state; and TWC, §5.105, concerning General Policy, which authorizes the commission by rule to establish and approve all general policy of the commission. The amended section is also adopted under TWC, §26.348, which provides the commission authority to develop standards and methods of leak detection.

The adopted amendment implements TWC, §26.348.

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 January 26, 2024.

TRD-202400291

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Effective date: February 15, 2024

Proposal publication date: September 22, 2023

For further information, please call: (512) 239-2678

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 1. GENERAL LAND OFFICE

CHAPTER 15. COASTAL AREA PLANNING

SUBCHAPTER A. MANAGEMENT OF THE BEACH/DUNE SYSTEM

31 TAC §15.7, §15.34

The General Land Office (GLO) is adopting amendments to 31 Texas Administrative Code (TAC) §15.7(h)(5), relating to Local Government Management of the Public Beach, and §15.34, relating to Certification Status of Village of Surfside Beach Dune Protection and Beach Access Plan (Plan). The GLO is adopting the amendment to §15.7(h)(5) to ensure consistency with related provisions in the TAC. The GLO is adopting new §15.34(e) to certify as consistent with state law Plan amendments adopted by the Village of Surfside Beach (Village). The Plan amendments include increasing the beach user fee (BUF) and updating the Plan's beach access section. The amendments were published in the December 15, 2023, issue of the *Texas Register* (48 TexReg 7490) and will be adopted as previously published, without changes, and therefore will not be republished.

Copies of the Village's Plan can be obtained by contacting the Village of Surfside Beach City Secretary at 1304 Monument Drive, Surfside Beach, Texas 77541-9522, (979) 233-1531, or the GLO's Archives and Records Division, Texas General

Land Office, P.O. Box 12873, Austin, Texas 78711-2873, (512) 463-5277.

BACKGROUND AND ANALYSIS OF THE AMENDMENT TO §15.7(h)(5)

GLO adopted amendments to 31 TAC Chapter 15, effective May 30, 2023. Some of the amendments were made with the goal of enhancing beach access for persons with disabilities. After the rule amendments were adopted, the GLO was made aware by the Texas Department of Licensing and Regulation (TDLR) and its Elimination of Architectural Barriers Program that a minor amendment to §15.7(h)(5) was necessary. Section 15.7(h)(5) states in part, "For the purposes of vehicular restrictions only, beach access for persons is preserved if the following criteria are met..." Since the GLO does not have the authority to determine by rule whether access is preserved for persons with disabilities, the GLO is adopting an amendment to the subsection. The amendment would add "with disabilities" and "presumed" to the text of the rule pertaining to vehicular restrictions to the beach and access for persons with disabilities. The amendment would make §15.7(h)(5) consistent with the rest of §15.7(h) by specifying that meeting the criteria in the rule creates a presumption that access is preserved, but that other evidence may be considered in making a final determination. The presumption is rebuttable given other evidence, existing and historical use of the beach, and circumstances particular to the vehicular restriction requested. The amended text is, "For the purposes of vehicular restrictions only, beach access for persons with disabilities is presumed to be preserved if the following criteria are met..." This change would make the rule consistent with the rest of §15.7(h), Preservation and Enhancement of Public Beach Use and Access.

BACKGROUND AND ANALYSIS OF THE AMENDMENT TO §15.34

Pursuant to the Open Beaches Act (Texas Natural Resources Code, Chapter 61) and the Texas Administrative Code (31 TAC §§15.3, 15.7, and 15.8), a local government with jurisdiction over Gulf Coast beaches must submit any amendments to its Plan or Beach User Fee Plan (BUF Plan) to the GLO for certification. If appropriate, the GLO will certify that the Plan or BUF Plan is consistent with state law by amendment of a rule, as authorized in Texas Natural Resources Code (TNRC) §§61.011(d)(5) and 61.015(b). The certification by rule reflects the state's certification of the Plan; however, the text of the Plan is not adopted by the GLO, as provided in 31 TAC §15.3(o)(4).

On October 10, 2023, the City Council of the Village of Surfside Beach adopted Ordinance 2023-10-10 to adopt the amendments to the Plan, which include increasing the BUF and updating the Plan's beach access section. The ordinance becomes effective upon the GLO's certification of the amendments to the Plan as consistent with state law. The Plan was submitted to the GLO in accordance with 31 TAC §§15.3 and 15.8 and TNRC §61.022(c).

The Village is a coastal community in Brazoria County bordering the Gulf of Mexico, is located on Follett's Island, and is accessible from Galveston Island via County Road 257 and from the City of Freeport via State Highway 332. The Village includes approximately 3.8 miles of jurisdictional beach. The areas governed by the Plan include those beaches and adjacent areas within Village jurisdiction that border the Gulf of Mexico.

As provided in 31 TAC §15.8, local governments may request authorization to increase the BUF provided that the local government demonstrates that the increased BUF corresponds to

increased costs of the local government for providing public services and facilities directly related to the public beach. Pursuant to 31 TAC §§15.3 and 15.8, the Village adopted a new BUF and submitted a BUF Plan to the GLO with a request for certification that the BUF Plan is consistent with state law.

The amendment to the BUF Plan increases the annual permit fee amount from \$12 to \$30, expiring on December 31st of each year, and adds a new daily permit option of up to \$15 per vehicle, valid until 12 a.m. (midnight) on the date of issue. The amendment also includes an off-season rate of up to \$15 for annual permits sold January 1st through January 31st, expiring on December 31st of each year. The annual and daily permits allow for parking motor vehicles along the beach-facing side of Beach Drive, immediately adjacent to the beach, and driving onto the beach at designated access points. The permits will be available for purchase at the Village City Hall, local area businesses, and beach permit booths.

According to the Village, the BUF increase is necessary due to ongoing budget deficits from the management of increased beach visitation, increased expenditures on beach maintenance and safety, and damages from unpredictable seasonal storms, which may impact the beach, dune walkovers, beach accesses, and parking areas. In the short term, the Village indicates that additional revenue generated by the increased BUF will enable the Village to expand beach cleaning and maintenance activities by increasing beach maintenance personnel and by purchasing additional beach equipment, enhancing safety by increasing lifeguard and law enforcement presence, and installing educational beach maintenance signage. In the long term, the revenue from the BUF will be used to install a mobile command center to improve safety and emergency response; provide beach amenities such as showers, permanent restrooms, picnic areas, and vending areas; and further increase beach maintenance and safety personnel and equipment.

Based on the information and justification provided by the Village, the GLO has determined that the BUF increase is reasonable. The BUF does not exceed the necessary and actual cost of providing reasonable beach-related facilities and services, does not unfairly limit public use of and access to and from public beaches in any manner, and is consistent with §15.8 of the Beach/Dune Rules and the Open Beaches Act. Therefore, the GLO finds that the BUF Plan is consistent with state law.

The amendments also modify vehicular access to the public beach with an updated parking inventory for off-beach parking areas. The amendments prohibit on-beach vehicular access from Hwy 332 to Starfish Street, which is approximately 400 linear feet of beach. This prohibition is due to the narrow width of the beach, soft sand conditions that have made driving a hazard in this area for a number of years, and future groin locations. In order for the Village to close vehicular access in the area from Hwy 332 to the jetties, 27 additional parking spaces in excess of the required number were provided, and the Village demonstrated compliance in the updated parking inventory.

No comments were received regarding the adoption of these amendments.

STATUTORY AUTHORITY

The amendments are being adopted under Texas Natural Resources Code §§61.011, 61.015(b), and 61.022 (b) & (c), and 61.070, which provide the GLO with the authority to adopt rules governing the preservation and enhancement of the public's right

to access and use public beaches, imposition or increase of beach user fees, and certification of local government beach access and use plans as consistent with state law.

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 January 22, 2024.

TRD-202400213

Mark Havens

Chief Clerk

General Land Office

Effective date: February 11, 2024

Proposal publication date: December 15, 2023

For further information, please call: (512) 475-1859

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 5. TEXAS BOARD OF PARDONS AND PAROLES

CHAPTER 147. HEARINGS

SUBCHAPTER A. GENERAL RULES FOR HEARINGS

37 TAC §§147.1, 147.3, 147.5, 147.6

The Texas Board of Pardons and Paroles adopts amendments to 37 TAC Chapter 147, Subchapter A, §147.1, §147.3, §147.5, and §147.6 concerning general rules for hearings. Rule §147.6 is adopted without changes to the proposed text as published in the September 22, 2023, issue of the *Texas Register* (48 TexReg 5533) and will not be republished. Rules §147.1, §147.3, and §147.5 are adopted with changes to the proposed text as published in the September 22, 2023, issue of the *Texas Register* (48 TexReg 5533) and will be republished.

The amendments are adopted to provide edits for uniformity and consistency throughout the rules, correct grammatical errors, delineate prohibited acts in ex parte communications, and clarify the hearing officer's responsibility regarding written testimony.

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under Sections 508.0441, 508.045, 508.281, and 508.283, Government Code. Section 508.0441 relates to the board member and parole commissioner release and revocation duties. Section 508.045 provides parole panels with the authority to grant, deny, revoke parole, or revoke mandatory supervision. Sections 508.281 and 508.283 relate to hearings to determine violations of the releasee's parole or mandatory supervision.

§147.1. Public Hearings.

(a) All hearings on matters not confidential or privileged by law, or both, shall be open to the public.

(b) Appropriate federal and state constitutional provisions, statutes, regulations, and judicial precedent establishing the confiden-

tial or privileged nature of information presented shall be given effect by the Hearing Officer.

(c) To effect this provision, the Hearing Officer shall have the authority to close the hearing to the extent necessary to protect against the improper disclosure of confidential privileged information.

(d) If the Hearing Officer closes the hearing pursuant to this section, in no event shall the Hearing Officer exclude from the hearing a party as defined by §141.111 of this title (relating to Definition and Terms) and includes:

- (1) the releasee;
- (2) the releasee's attorney;
- (3) the releasee's interpreter;
- (4) Board Member or Board employee;
- (5) TDCJ employee;
- (6) County jail employee; and
- (7) Prosecuting attorney.

(e) When the Hearing Officer closes the hearing, the Hearing Officer shall announce on the record that the hearing will be closed to the public to protect the confidential or privileged information being introduced into evidence. After the confidential or privileged evidence is obtained, the Hearing Officer shall open the hearing to the public and announce the same on the record.

§147.3. Ex Parte Consultations.

Unless required for the disposition of matters authorized by law, Hearing Officers, Board Members and Parole Commissioners assigned to render a decision or to make findings of fact and conclusions of law in an individual case may not, directly or indirectly, initiate, permit, nor consider communications in connection with any issue of fact or law with any party, except on notice and opportunity for all parties to participate.

§147.5. Witnesses.

(a) The Hearing Officer may determine whether a witness may be excused under the rule that excludes witnesses from the hearing.

(1) In no event shall the Hearing Officer exclude from the hearing a party under the authority of this section. For these purposes, the term "party" means the definition in §141.111 of this title (relating to Definition of Terms) and includes:

- (A) the releasee;
- (B) the releasee's attorney; and
- (C) no more than one representative of the TDCJ Parole Division who has acted or served in the capacity of supervising, advising, or agent officer in the case.

(2) In the event it appears to the Hearing Officer that an individual who is present at the hearing and intended to be called by a party as a witness has no relevant, probative, noncumulative testimony to offer on any material issue of fact or law, then the Hearing Officer, in his sound discretion, may determine that such individual should not be placed under the rule and excluded from the hearing.

(b) All witnesses who testify in person are subject to cross-examination unless the Hearing Officer specifically finds good cause for lack of confrontation and cross-examination.

(c) Witnesses personally served with a subpoena and who fail to appear at the hearing, and upon a favorable good cause determination by the Hearing Officer, may present testimony by written statement.

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 January 24, 2024.

TRD-202400255
Bettie Wells
General Counsel
Texas Board of Pardons and Paroles
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For further information, please call: (512) 406-5478



SUBCHAPTER B. EVIDENCE

37 TAC §147.24, §147.26

The Texas Board of Pardons and Paroles adopts amendments to 37 TAC Chapter 147, Subchapter B, §147.24 and §147.26 concerning evidence. The rules are adopted without changes to the proposed text as published in the September 22, 2023, issue of the *Texas Register* (48 TexReg 5534). The rules will not be republished.

The amendments are adopted to provide edits for uniformity and consistency throughout the rules and to correct grammatical errors.

No public comments were received regarding adoption of these amendments.

The amended rules are adopted under Sections 508.0441, 508.045, 508.281, and 508.283, Government Code. Section 508.0441 relates to the board member and parole commissioner release and revocation duties. Section 508.045 provides parole panels with the authority to grant, deny, revoke parole, or revoke mandatory supervision. Sections 508.281 and 508.283 relate to hearings to determine violations of the releasee's parole or mandatory supervision.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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