

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 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 355. REIMBURSEMENT RATES

SUBCHAPTER J. PURCHASED HEALTH SERVICES

DIVISION 4. MEDICAID HOSPITAL SERVICES

1 TAC §355.8052, §355.8061

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §355.8052, concerning Inpatient Hospital Reimbursement, and §355.8061, concerning Outpatient Hospital Reimbursement.

The amendments to §355.8052 and §355.8061 are adopted without changes to the proposed text as published in the November 22, 2024, issue of the *Texas Register* (49 TexReg 9425). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments specify that High-Cost Clinician Administered Drugs and Biologics (HCCADs), Long-Acting Reversible Contraceptive (LARC) devices, and Donor Human Milk Services will be reimbursed outside the all-patient refined diagnosis-related group (APR-DRG) inpatient reimbursement and filed on a separate outpatient claim. The non-risk payment will be paid at the lesser of billed charges or the fee-for-service reimbursement amount with the fee schedule acting as the upper-payment limit. A hospital administering these services will be reimbursed separately from the Inpatient Hospital APR-DRG reimbursement methodology. The amendments increase efficiency in the delivery of HCCADs, LARCs, and Human Breast milk.

COMMENTS

The 31-day comment period ended on December 23, 2024.

During this period, HHSC received comments regarding the proposed rules from one commenter. The comments were from the Children's Hospital Association of Texas (CHAT). A summary of the comments relating to the rules and HHSC's responses follows.

Comment: Reimbursement Methodology Clarity: The proposed rule lacks a clear methodology for non-risk payments for physician-administered drugs, which CHAT recommends explicitly including in the rule to ensure consistency.

Response: HHSC thanks the commenter for their recommendations. The methodology is included in §355.8085. Additional

information will be added in the Texas Medicaid Provider Procedure Manual (TMPPM). No changes were made in response to this comment.

Comment: Protection Against Recoupment: CHAT seeks assurance from HHSC that providers following the proposed rule before its effective date (March 1, 2025) won't face recoupment actions by the Texas Health and Human Services (HHS) OIG (Office of Inspector General).

Response: HHS OIG actions are outside the scope of this rule amendment. HHSC Provider Finance Department does not direct HHS OIG actions or audits. No changes were made in response to this comment.

Comment: 340B and Medicaid Alignment: CHAT requests clarification on compliance and billing issues arising from discrepancies between Centers for Medicare and Medicaid Services (CMS) and Health Resources and Services Administration definitions of "Covered Outpatient Drug" and their impact on the 340B program.

Response: HHSC will ensure that drugs administered in an inpatient hospital setting, when directly reimbursed, are considered covered outpatient drugs, aligning with recent CMS guidance. No changes were made in response to this comment.

Comment: Adequate Reimbursement: CHAT urges HHSC to ensure type of bill 111 payments cover the costs of administering high-cost curative therapies, including professional time, supplies, and equipment.

Response: The rate adoption process is outside the scope of this rule amendment. HHSC performs research and pricing reviews that are presented for public comment prior to implementation of rates. No changes were made in response to this comment.

STATUTORY AUTHORITY

The amendments are adopted under Texas Government Code §531.0055, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.033, which authorizes the executive commissioner of HHSC to adopt rules necessary to carry out HHSC's duties; Texas Human Resources Code §32.021 and Texas Government Code §531.021(a), which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas; Texas Government Code §531.021(b-1), which establishes HHSC as the agency responsible for adopting reasonable rules governing the determination of fees, charges, and rates for medical assistance payments under the Texas Human Resources Code Chapter 32.

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 March 5, 2025.

TRD-202500795

Karen Ray

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Texas Health and Human Services Commission

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For further information, please call: (737) 867-7813



TITLE 10. COMMUNITY DEVELOPMENT

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 1. ADMINISTRATION

SUBCHAPTER A. GENERAL POLICIES AND PROCEDURES

10 TAC §1.23

The Texas Department of Housing and Community Affairs (the Department) adopts the repeal of 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.23, State of Texas Low Income Housing Plan and Annual Report (SLIHP) without changes to the text previously published in the December 27, 2024, issue of the *Texas Register* (49 TexReg 10452). The rule will not be republished. The purpose of the repeal is to eliminate an outdated rule while adopting a new updated rule under separate action, in order to adopt by reference the 2025 SLIHP.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson, Executive Director, has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program, but relates to the repeal, and simultaneous adoption by reference the 2025 SLIHP, as required by Tex. Gov't Code §2306.0723.
2. The repeal does not require a change in work that would require the creation of new employee positions, nor is the repeal significant enough to reduce work load to a degree that any existing employee positions are eliminated.
3. The repeal does not require additional future legislative appropriations.
4. The repeal does not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.
5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.
6. The action will repeal an existing regulation, but is associated with a simultaneous readoption in order to adopt by reference the 2025 SLIHP.
7. The repeal will not increase or decrease the number of individuals subject to the rule's applicability.

8. The repeal will not negatively or positively affect this state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated this repeal and determined that the repeal will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate nor authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson, has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the repealed section would be an updated more germane rule that will adopt by reference the 2025 SLIHP. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

SUMMARY OF PUBLIC COMMENT. The public comment period for the rule was held Friday, December 20, 2024, to Monday, January 20, 2025, to receive input on the proposed repealed section. Written comments were submitted to the Texas Department of Housing and Community Affairs, Attn: Housing Resource Center, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, or email info@tdhca.texas.gov. A public hearing for the draft 2025 SLIHP was held on January 7, 2025, in Austin, Texas. While the Department received public comment on the draft 2025 SLIHP, no comments were received specifically on the proposed repeal.

STATUTORY AUTHORITY. The repeal is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules, and Tex. Gov't Code §2306.0723, which requires this annual report to be considered a rule and be adopted following rulemaking procedures.

Except as described herein the repealed section affects no other code, article, or statute.

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 March 6, 2025.

TRD-202500823

Bobby Wilkinson
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Effective date: March 26, 2025
Proposal publication date: December 27, 2024
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10 TAC §1.23

The Texas Department of Housing and Community Affairs (the Department) adopts new 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.23 State of Texas Low Income Housing Plan and Annual Report (SLIHP) without changes to the text previously published in the December 27, 2024, issue of the *Texas Register* (49 TexReg 10453). The rule will not be republished.

The purpose of the new section is to provide compliance with Tex. Gov't Code §2306.0723 and to adopt by reference the 2025 SLIHP, which offers a comprehensive reference on statewide housing needs, housing resources, and strategies for funding allocations. The 2025 SLIHP reviews TDHCA's housing programs, current and future policies, resource allocation plans to meet state housing needs, and reports on performance during the preceding state fiscal year (September 1, 2023, through August 31, 2024).

Tex. Gov't Code §2001.0045(b) does not apply to the rule because it is exempt under item (c)(9) because it is necessary to implement legislation. Tex. Gov't Code §2306.0721 requires that the Department produce a state low income housing plan, and Tex. Gov't Code §2306.0722 requires that the Department produce an annual low income housing report. Tex. Gov't Code §2306.0723 requires that the Department consider the annual low income housing report to be a rule. This rule provides for adherence to that statutory requirement. Further no costs are associated with this action, and therefore no costs warrant being offset.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson, Executive Director, has determined that, for the first five years the new rule would be in effect:

1. The new rule does not create or eliminate a government program, but relates to the adoption, by reference, of the 2025 SLIHP, as required by Tex. Gov't Code §2306.0723.
2. The new rule does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.
3. The new rule changes do not require additional future legislative appropriations.
4. The new rule changes will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.
5. The new rule is not creating a new regulation, except that it is replacing a rule being repealed simultaneously to provide for revisions.

6. The new rule will not expand, limit, or repeal an existing regulation.

7. The new rule will not increase or decrease the number of individuals subject to the rule's applicability.

8. The new rule will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002. The Department, in drafting this rule, has attempted to reduce any adverse economic effect on small or micro-business or rural communities while remaining consistent with the statutory requirements of Tex. Gov't Code §2306.0723.

1. The Department has evaluated this rule and determined that none of the adverse effect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. There are no small or micro-businesses subject to the rule for which the economic impact of the rule is projected to be null. There are no rural communities subject to the rule for which the economic impact of the rule is projected to be null.

3. The Department has determined that because the rule will adopt by reference the 2025 SLIHP, there will be no economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The rule does not contemplate nor authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the rule as to its possible effects on local economies and has determined that for the first five years the rule will be in effect the rule has no economic effect on local employment because the rule will adopt by reference the 2025 SLIHP; therefore, no local employment impact statement is required to be prepared for the rule.

Tex. Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule" Considering that the rule will adopt by reference the 2025 SLIHP there are no "probable" effects of the new rule on particular geographic regions.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the new section is in effect, the public benefit anticipated as a result of the new section will be an updated and more germane rule that will adopt by reference the 2025 SLIHP, as required by Tex. Gov't Code §2306.0723. There will not be any economic cost to any individuals required to comply with the new section because the adoption by reference of prior year SLIHP documents has already been in place through the rule found at this section being repealed.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the new section is in effect, enforcing or administering the new section does not have any foreseeable implications related to costs or revenues of the state or local governments because the new rule will adopt by reference the 2025 SLIHP.

SUMMARY OF PUBLIC COMMENT. The public comment period for the proposed new rule was held between Friday, December 20, 2024 and Monday, January 20, 2025. The public comment period for the draft 2025 SLIHP was also held between December 20, 2024 and January 20, 2025. A public hearing for the draft 2025 SLIHP was held on January 7, 2025, in Austin, Texas. Written comments were accepted by email and mail. While the Department received public comment on the draft 2025 SLIHP, no comments were received specifically regarding (and in response to) the proposed new rule.

STATUTORY AUTHORITY. The new section is adopted pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the new section affects no other code, article, or statute.

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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TRD-202500824

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

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For further information, please call: (512) 475-3959



TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 61. SCHOOL DISTRICTS

SUBCHAPTER A. BOARD OF TRUSTEES RELATIONSHIP

19 TAC §61.1

The State Board of Education (SBOE) adopts an amendment to §61.1, concerning continuing education for school board members. The amendment is adopted with changes to the proposed text as published in the October 11, 2024 issue of the *Texas Register* (49 TexReg 8299) and will be republished. The adopted amendment establishes new eligibility requirements for trainers of school boards to include a background check, establishes that only individuals (not organizations) are eligible to provide training to school board trustees, and prohibits trainers of school boards from engaging in political advocacy during training.

REASONED JUSTIFICATION: Texas Education Code (TEC), §11.159, Member Training and Orientation, requires the SBOE to provide a training course for school board trustees. Section 61.1 addresses this statutory requirement. School board trustee training under current SBOE rule includes a local school district orientation session; a basic orientation to the TEC; an annual team-building session with the local school board and the superintendent; specified hours of continuing education based on identified needs; training on evaluating student academic performance; training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children; and training on school safety. In addition to

establishing the conditions for the training courses required for school district trustees, §61.1 establishes the criteria for both registered providers of school board training and authorized providers of school board training.

The adopted amendment updates the application requirements to be a provider of school board member training. Specifically, amended subsection (c) limits eligible providers to individuals, removing organizations from eligibility. Amended subsection (c)(1) requires the rejection of applications that do not demonstrate the requisite training, experience, educational background, or expertise. New subsection (c)(2) requires applications to include a background check and establishes additional conditions under which an application would be rejected. New subsection (c)(3) describes conditions under which a provider's status would be revoked. New subsection (c)(5) describes conditions under which a non-registered provider may be involved in training school board trustees.

New subsection (d) prohibits training providers from engaging in political advocacy while providing training. New subsection (d)(1) defines political advocacy for the purpose of this section, and new subsection (d)(2) establishes what political advocacy does not include. New subsection (d)(3) requires trainers to provide a written acknowledgement that he or she would not engage in political advocacy. New subsection (d)(4) establishes steps TEA would take if it determined that a provider engaged in political advocacy. New subsection (d)(5) permits the SBOE to revoke a provider's eligibility if it determines that the provider engaged in political advocacy. New subsection (d)(6) establishes that the revocation of a provider's status would be for one year, unless determined otherwise by the SBOE. New subsection (d)(7) establishes that a provider is presumed to have engaged in political advocacy if the advocacy occurs during the training session. In addition, obsolete language related to implementation of the section has been removed.

The following changes were made at adoption.

Technical edits were made in subsections (c) and (d) to align with administrative rule form and style guidelines and update cross references.

Subsection (c)(1) was amended to establish that a registered provider's education must include bachelor's degree at a minimum.

Subsection (c)(2) was amended to establish that, in addition to providing a list of five approved background check providers, TEA must also provide prospective registered providers a list of approved background checks associated with obtaining a professional certification or license, including background checks of school district employees conducted using the criminal history clearinghouse established by the Texas Department of Public Safety pursuant to Texas Government Code, §411.0845. The language was also amended to clarify that a background check must have been completed within the 12 months preceding the submission of the application.

Subsection (c)(3) was amended to require registered providers who are convicted of a felony or crime of moral turpitude to report that conviction to TEA within 10 days.

Subsection (d) was amended to clarify that a trainer may not engage in political advocacy during a training session and that supporting or opposing any measure with the intent to influence the outcome of a legislative, rulemaking, or other policy process or measure would be considered engaging in political advocacy.

The SBOE approved the amendment for first reading and filing authorization at its September 13, 2024 meeting and for second reading and final adoption at its November 22, 2024 meeting. The effective date of the amendment is August 25, 2025.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began October 11, 2024, and ended at 5:00 p.m. on November 12, 2024. The SBOE also provided an opportunity for registered oral and written comments at its November 2024 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 commenter stated that advocating for school district students, parents, teachers, and staff often intertwines with politics and that trustees should be able to engage in grass-roots advocacy training without repercussions.

Response: The SBOE provides the following clarification. The proposed rule does not restrict trustees from engaging in advocacy training.

Comment: An individual commented in favor of the requirement for background checks for trainers.

Response: The SBOE agrees. A background check will be required for registered providers of trustee training.

Comment: One commenter suggested a review of the required training, adding that the training the commenter has attended has been politically one-sided and indoctrinatory. The commenter continued that the team-of-eight training encourages always voting unanimously and instructs that defending the district and superintendent takes precedence over representing constituents.

Response: The SBOE agrees in part and took action to clarify the definition of political advocacy that is prohibited under the rule. The comments related to the team-of-eight training are outside the scope of the proposed rulemaking.

Comment: One commenter stated that local school boards know who is right to provide the training and the rule should allow for local control.

Response: The SBOE agrees. The proposed rule allows each school system to choose which registered or authorized provider is best suited for its needs.

Comment: Two commenters stated that the SBOE should allow background checks from professional certifications and registrations mandated by law for professional fields to meet the requirements for a background check.

Response: The SBOE agrees. At adoption, the SBOE amended subsection (c)(2) to require TEA to provide prospective registered providers a list of approved background checks associated with obtaining a professional certification or license.

Comment: Two commenters stated that the SBOE should clarify subsection (c)(5) by including a disclaimer that any unregistered panelist, speaker, or presenter joining a registered provider are sharing their own opinions and incidental comments should not be considered a violation so long as the registered provider makes reasonable efforts to redirect the speaker(s) in accordance with the rule.

Response: The SBOE disagrees and has determined that the language in subsection (c)(5) is appropriate as proposed.

Comment: One commenter stated that it is important for providers to have clear guidelines around what would be considered political advocacy and that the SBOE should clarify the definition of political advocacy in a way that does not restrict discussions of broad policy and legislative topics, as these conversations are essential to informed decision-making.

Response: The SBOE agrees. At adoption, the SBOE approved changes to subsection (d) to clarify that a trainer may not engage in political advocacy during a training session and that supporting or opposing any measure with the intent to influence the outcome of a legislative, rulemaking, or other policy process or measure would be considered engaging in political advocacy.

Comment: One commenter stated that the rule should have an implementation date of September 1 to allow for sufficient lead time to prevent a shortage of registered providers. The commenter continued that most association events have a three- to four-month lead time to accept presenter applications and build the program, and if the rule establishes a September 1 effective date, presenters at various association events would have to be approved registered providers by April 1, when the presenter application window opens.

Response: The SBOE disagrees that a specific implementation date is needed in the rule language, because according to TEC, §7.102(f), amended §61.1 will be effective beginning with the 2025-2026 school year.

Comment: One commenter stated that the rule should clarify that the registration requirements apply only to the individuals who will present the content and not to administrative staff, graphic designers, and information technology professionals or others who develop the content.

Response: The SBOE disagrees that the rule needs to be clarified. Subsection (c) specifically mentions individuals should register "to provide the board member continuing education."

Comment: One commenter stated that eliminating the eligibility of groups and organizations as registered providers would have a negative short-term impact on upcoming conferences, as there would not be time to for all potential trainers for the approximately 150 individual sessions to get fingerprinted and approved. The commenter recommended allowing a year-long transition by having an implementation date of November 1, 2025.

Response: The SBOE disagrees. The proposed rule does not prevent employees of, or contractors for, organizations from providing training; it only requires that those employees and contractors go through the registration process. Additionally, according to TEC, §7.102(f), amended §61.1 will be effective beginning with the 2025-2026 school year.

Comment: One commenter stated that the word "policy," used in the terms "policy position" and "policy process" in §61.1(d)(1)(B), is not defined in either statute or rule. The commenter stated that in absence of a definition, the terms could be misconstrued to imply that a training could not include broad statements of support for public education, student outcome improvement, child safety, or fiscal prudence. The commenter recommended either striking the term or defining "policy position" in §61.1(d)(1)(B) to include "with the intent of influencing."

Response: The SBOE agrees. At adoption, the SBOE changed the language of subsection (d)(1)(B) to clarify the definition of political advocacy that is prohibited under the rule.

Comment: One commenter stated that §61.1(d)(1) should limit the definition of "political advocacy" to "with the intent of influencing the outcome of legislation pending before the Texas Legislature or of rulemaking pending before an administrative body."

Response: The SBOE agrees. At adoption, the SBOE changed the language of subsection (d)(1)(B) to clarify the definition of political advocacy that is prohibited under the rule.

Comment: One commenter stated that the language of §61.1(d)(1)(C) is confusing and recommended revising it to be more direct, striking the phrase "shall not include" and in its place adding "does not mean."

Response: The SBOE disagrees and has determined that the language is appropriate as proposed.

Comment: One commenter stated that if discussions related to the needs of school boards, especially those serving communities that have faced challenges, are deemed "political advocacy," it could hinder necessary conversations about equity, representation in schools, and understanding of implementation of state laws and guidance. The commenter stated that lack of clarity in the rule could discourage trainers from engaging with these important topics, undermining the goal of preparing school board members to govern effectively.

Response: The SBOE provides the following clarification. The language of the proposed rule does not define discussions related to the needs of school boards as "political advocacy." However, at adoption, the SBOE changed the language of subsection (d)(1)(B) to clarify the definition of political advocacy that is prohibited under the rule.

Comment: One commenter stated that limiting eligible training providers to individuals raises significant concerns, specifically that organizations that offer specialized expertise in critical areas like school finance, special education, and equity often provide a level of collaborative, in-depth knowledge that individual trainers may not match. The commenter stated that by redefining who can serve as a provider, the proposed rule risks weakening the role of collaborative, expert-led training and long-standing relationships that school board trustees rely on to stay informed and lead effectively.

Response: The SBOE disagrees. The proposed rule does not prevent employees of, or contractors for, organizations from providing training; it only requires that those employees and contractors go through the registration process.

Comment: One commenter expressed concern that the proposed changes would harm minority students and school board members by restricting access to the specialized training necessary to serve marginalized communities effectively. The commenter stated that by excluding trainers with deep knowledge of the unique challenges faced by Latino and other minority students, the rule would limit school board members' ability to make informed decisions that address the needs of these populations. The commenter stated that this lack of valuable training could further disadvantage minority students, widening educational gaps and undermining efforts to create equitable school environments.

Response: The SBOE disagrees. The proposed rule does not exclude trainers with deep knowledge of the unique challenges faced by any given student group. Additionally, the proposed rule does not prevent employees of, or contractors for, organizations from providing training; it only requires that those employees and contractors go through the registration process.

Comment: Two commenters opposed the proposed amendment, stating that it unnecessarily limits access to high-quality training for school board members and could inhibit meaningful discussions, including encouraging trustees to make student-centered decisions. The commenter urged the SBOE to reject these provisions and allow organizations to continue playing a vital role in training school boards, especially in districts serving historically marginalized populations.

Response: The SBOE disagrees. The proposed rule does not exclude trainers with deep knowledge of the unique challenges faced by any given student group. Additionally, the proposed rule does not prevent employees of, or contractors for, organizations from providing training; it only requires that those employees and contractors go through the registration process. The proposed rule does not restrict trustees from engaging in advocacy training.

Comment: One commenter stated that organizations should not be precluded from offering continuing education since organizations may offer expertise and qualified personnel on educational policymaking, community engagement, improving student outcomes, complying with existing state and federal laws, and other areas of trustee interest. The commenter stated that changes to §61.1(c) present concerns about how school board members may benefit from evidence-based and up-to-date resources and training provided by qualified organizations. The commenter recommended removing the proposed changes to §61.1(c) and (c)(1) that prohibit groups or organizations from being registered providers.

Response: The SBOE disagrees. The proposed rule does not prevent employees of, or contractors for, organizations from providing training; it only requires that those employees and contractors go through the registration process.

Comment: One commenter stated that defining political advocacy and prohibiting it from school board member training presents concerns about how trustees can be equipped to understand their role as elected representatives of their school districts. Specifically, the commenter suggested that subsections (d)(1)(B) and (C) limit how school board members can understand the legislative process of state policies that will affect their governance of their school districts and the potential well-being of their school district communities. The commenter recommended striking subsections (d)(1)(B) and (C) to limit the definition of political advocacy for the purposes of this rule to activities outlined in subsection (d)(1)(A).

Response: SBOE disagrees. Political advocacy, as defined by the rule, does not prohibit school board member training from addressing the legislative process or trustees' role as elected representatives. At adoption, the SBOE changed the language of subsection (d)(1)(B) to clarify the definition of political advocacy that is prohibited under the rule.

Comment: One commenter stated that limiting eligibility to individuals will prevent school board trustees from benefiting from the in-depth knowledge and infrastructure of organizations and impair the quality, scope, and efficiency of the continuing education provided to Texas school board trustees. The commenter also stated that specialized and up-to-date training is particularly important for school board trustees who serve Latino students.

Response: The SBOE disagrees that the proposed rule will impair the quality of continuing education for school board members. The proposed rule does not prevent employees of, or contractors for, organizations from providing training; it only requires

that those employees and contractors go through the registration process.

Comment: One commenter stated that the proposed restrictions on "political advocacy" are vague and would impair robust and solution-oriented dialogue on educational issues. The commenter stated that language of the political advocacy prohibition, particularly with regard to the "intent" of the discussion of policy positions, is so vague that it would discourage providers from presenting comprehensive information on education issues and the variety of perspectives that school board trustees need to make informed decisions; impair the exchange of information between trustees and providers; and hinder discussions focused on student-centered solutions to address the challenges faced by trustees and the students they serve. The commenter also stated that the political advocacy prohibition would have a significant impact on the ability of school board trustees to develop sound policies to improve the education of Latinos and all Texans.

Response: The SBOE agrees that the language should be clarified. At adoption, the SBOE changed the language of subsection (d)(1)(B) to clarify the definition of political advocacy that is prohibited under the rule.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code, §11.159, which requires the State Board of Education to provide a training course for school board trustees.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §11.159.

§61.1. Continuing Education for School Board Members.

(a) Under the Texas Education Code (TEC), §11.159, the State Board of Education (SBOE) shall adopt a framework for school board development to be used in structuring continuing education for school board members. The framework shall be posted to the Texas Education Agency (TEA) website and shall be distributed annually by the president of each board of trustees to all current board members and the superintendent.

(b) The continuing education required under the TEC, §11.159, applies to each member of an independent school district board of trustees. All school board trainings and continuing education under this section shall comply with state law.

(1) Each school board member of an independent school district shall complete a local district orientation.

(A) The purpose of the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities.

(B) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

(C) The orientation shall be at least three hours in length.

(D) The orientation shall address local district practices in the following, in addition to topics chosen by the local district:

- (i) curriculum and instruction;
- (ii) business and finance operations;

- (iii) district operations;
- (iv) superintendent evaluation; and
- (v) board member roles and responsibilities.

(E) Each board member should be made aware of the continuing education requirements of this section and those of the following:

- (i) open meetings act in Texas Government Code, §551.005;
- (ii) public information act in Texas Government Code, §552.012; and
- (iii) cybersecurity in Texas Government Code, §2054.5191.

(F) The orientation shall be open to any board member who chooses to attend.

(2) Each school board member of an independent school district shall complete a basic orientation to the TEC and relevant legal obligations.

(A) The orientation shall have special, but not exclusive, emphasis on statutory provisions related to governing Texas school districts.

(B) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

(C) The orientation shall be at least three hours in length.

(D) Topics shall include, but not be limited to, the TEC, Chapter 26 (Parental Rights and Responsibilities), and the TEC, §28.004 (Local School Health Advisory Council and Health Education Instruction).

(E) The orientation shall be provided by a regional education service center (ESC).

(F) The orientation shall be open to any board member who chooses to attend.

(G) The continuing education may be fulfilled through online instruction, provided that the training incorporates interactive activities that assess learning and provide feedback to the learner and offers an opportunity for interaction with the instructor.

(H) The ESC shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (i) of this section.

(3) After each session of the Texas Legislature, including each regular session and called session related to education, each school board member shall complete an update to the basic orientation to the TEC.

(A) The update session shall be of sufficient length to familiarize board members with major changes in statute and other relevant legal developments related to school governance.

(B) The update shall be provided by an ESC or a registered provider, as defined by subsection (c) of this section.

(C) A board member who has attended an ESC basic orientation session described in paragraph (2) of this subsection that incorporated the most recent legislative changes is not required to attend an update.

(D) The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

(E) The ESC or registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (i) of this section.

(4) The entire board shall participate with their superintendent in a team-building session.

(A) The purpose of the team-building session is to enhance the effectiveness of the board-superintendent team and to assess the continuing education needs of the board-superintendent team.

(B) The session shall be held annually.

(C) The session shall be at least three hours in length.

(D) The session shall include a review of the roles, rights, and responsibilities of a local board, including its oversight relationship to administrators, as outlined in the framework for school board development described in subsection (a) of this section.

(E) The assessment of needs shall be based on the framework for school board development described in subsection (a) of this section and shall be used to plan continuing education activities for the year for the governance leadership team.

(F) The team-building session shall be provided by an ESC or a registered provider as described in subsection (c) of this section.

(G) The superintendent's participation in team-building sessions as part of the continuing education for board members shall represent one component of the superintendent's ongoing professional development.

(5) In addition to the continuing education requirements in paragraphs (1) through (4) of this subsection, each board member shall complete additional continuing education based on the framework for school board development described in subsection (a) of this section.

(A) The purpose of continuing education is to address the continuing education needs referenced in paragraph (4) of this subsection.

(B) The continuing education shall be completed annually.

(C) In a board member's first year of service, he or she shall complete at least ten hours of continuing education in fulfillment of assessed needs.

(D) Following a board member's first year of service, he or she shall complete at least five hours of continuing education annually in fulfillment of assessed needs.

(E) A board president shall complete continuing education related to leadership duties of a board president as some portion of the annual requirement.

(F) At least 50% of the continuing education shall be designed and delivered by persons not employed or affiliated with the board member's local school district. No more than one hour of the

required continuing education that is delivered by the local district may utilize self-instructional materials.

(G) The continuing education shall be provided by an ESC or a registered provider, as defined by subsection (c) of this section.

(H) The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

(I) The ESC or registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (i) of this section.

(6) Each school board member shall complete continuing education on evaluating student academic performance and setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness.

(A) The purpose of the training on evaluating student academic performance is to provide research-based information to board members that is designed to support the oversight role of the board of trustees outlined in the TEC, §11.1515.

(B) The purpose of the continuing education on setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness is to facilitate boards meeting the requirements of TEC, §11.185 and §11.186.

(C) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

(D) The continuing education shall be completed every two years.

(E) The training shall be at least three hours in length.

(F) The continuing education required by this subsection shall include, at a minimum:

(i) instruction in school board behaviors correlated with improved student outcomes with emphasis on:

(I) setting specific, quantifiable student outcome goals; and

(II) adopting plans to improve early literacy and numeracy and college, career, and military readiness for applicable student groups evaluated in the Closing the Gaps domain of the state accountability system established under TEC, Chapter 39;

(ii) instruction in progress monitoring practices to improve student outcomes; and

(iii) instruction in state accountability with emphasis on the Texas Essential Knowledge and Skills, state assessment instruments administered under the TEC, Chapter 39, and the state accountability system established under the TEC, Chapter 39.

(G) The continuing education shall be provided by an authorized provider as defined by subsection (e) of this section.

(H) If the training is attended by an entire school board and its superintendent, includes a review of local school district data on student achievement, and otherwise meets the requirements of subsec-

tion (b)(4) of this section, the training may serve to meet a school board member's obligation to complete training under subsection (b)(4) and (6) of this section, as long as the training complies with the Texas Open Meetings Act.

(7) Each board member shall complete continuing education on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children in accordance with TEC, §11.159(c)(2).

(A) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

(B) The training shall be completed every two years.

(C) The training shall be at least one hour in length.

(D) The training must familiarize board members with the requirements of TEC, §38.004 and §38.0041, and §103.1401 of this title (relating to Reporting Child Abuse or Neglect, Including Trafficking of a Child).

(E) The training required by this subsection shall include, at a minimum:

(i) instruction in best practices of identifying potential victims of child abuse, human trafficking, and other maltreatment of children;

(ii) instruction in legal requirements to report potential victims of child abuse, human trafficking, and other maltreatment of children; and

(iii) instruction in resources and organizations that help support victims and prevent child abuse, human trafficking, and other maltreatment of children.

(F) The training sessions shall be provided by a registered provider as defined by subsection (c) of this section.

(G) This training may be completed online, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

(H) The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (i) of this section.

(c) For the purposes of this section, a registered provider has demonstrated proficiency in the content required for a specific training. An individual applicant shall register with the TEA to provide the board member continuing education required in subsection (b)(3), (5), and (7) of this section. Groups and organizations are not eligible for registration.

(1) The applicant's registration application shall include documentation of the applicant's training, experience, educational background, which must include a bachelor's or higher degree, and expertise in the activities and areas covered in the framework for school board development. A registration application that does not demonstrate the training, experience, educational background, and expertise shall be rejected.

(2) TEA will provide each applicant with a list of at least five TEA-approved background check providers and a list of TEA-ap-

proved background checks associated with obtaining a professional certification or license in this state, including background checks of school district employees conducted using the criminal history clearinghouse established by the Texas Department of Public Safety pursuant to the Texas Government Code, §411.0845. The applicant's registration application shall include a background check report from one of the approved providers or a background check report performed in association with obtaining an approved professional certification or license. A registration application that does not include a background check report completed in the last 12 months shall be rejected, and a registration application that includes a background check report documenting an applicant's felony or crime of moral turpitude conviction shall be rejected.

(3) Any registered provider will report to TEA within 10 days if they are convicted of a felony or crime of moral turpitude. TEA shall revoke a registered provider's status upon notification and confirmation that a registered provider has been convicted of a felony or a crime of moral turpitude. A registered provider will be given an opportunity to promptly contest in writing, within 30 days, a claim that the registered provider was convicted. TEA will respond within 30 days of its decision. An informal hearing will be conducted by TEA upon request from the registered provider. Registration shall be withheld until confirmation of registration is received from TEA.

(4) An updated registration shall be required of a provider of continuing education every three years.

(5) A registered provider may present with other panel members, speakers, or presenters for credit. Those panel members, speakers, or presenters must comply with subsections (d)-(m) of this section but are not required to comply with paragraphs (1)-(4) of this subsection. Any violation of this section by the other panel members, speakers, or presenters is the responsibility of the registered provider.

(6) A school district that provides continuing education exclusively for its own board members is not required to register.

(7) An ESC is not required to register under this subsection.

(d) A provider of training under this section may not engage in political advocacy during the training sessions under this section.

(1) For the purposes of this section, political advocacy means:

(A) supporting or opposing political candidate(s), a particular party, or a group of candidates who hold a particular political viewpoint or position, specifically or by unmistakable implication, with the intent to influence the outcome of an election or appointment; and/or

(B) supporting or opposing any measure with the intent to influence the outcome of a legislative, rulemaking, or other policy process or measure.

(2) Political advocacy shall not include discussions on fostering legislative relationships, legislative or rulemaking processes, or legislative or policy updates.

(3) If a provider is required to register under subsection (c) of this section, the provider shall provide a written acknowledgement, provided by the agency, indicating that the provider shall not engage in political advocacy while providing training. A registration application that does not include an acknowledgement shall be rejected.

(4) If the agency determines a provider engaged in political advocacy while providing training, the agency shall:

(A) issue a warning to the provider;

(B) request that the provider submit a written explanation from the provider explaining the events and what action, if any, has or will be taken to prevent a future violation; and

(C) notify members of the State Board of Education of the warning issued to the provider and include any written explanation from the provider.

(5) The board may remove the registration or the authorization to provide training under this section for an individual, school district, or regional service center if the board determines that the provider engaged in political advocacy while providing training under this section.

(6) Removal of registration or authorization under paragraph (5) of this subsection shall be for a term of one year unless modified by the board.

(7) A provider is presumed to have provided political advocacy while providing training under this section if the political advocacy occurs during that training session.

(e) An authorized provider meets all the requirements of a registered provider and has demonstrated proficiency in the content required in subsection (b)(4) and (6) of this section. Proficiency may be demonstrated by completing a TEA-approved train-the-trainer course that includes evaluation on the topics and following a review of the provider's qualifications and course design, or through other means as determined by the commissioner.

(1) A school district or individual may be authorized by TEA to provide the board member training required in subsection (b)(4) and (6) of this section.

(2) An ESC shall be authorized by TEA to provide the board member training required in subsection (b)(4) and (6) of this section.

(3) The authorization process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for school board development.

(4) An updated authorization shall be required of a provider of training every three years.

(f) No continuing education shall take place during a school board meeting unless that meeting is called expressly for the delivery of board member continuing education. However, continuing education may take place prior to or after a legally called board meeting in accordance with the provisions of the Texas Government Code, §551.001(4).

(g) An ESC board member continuing education program shall be open to any interested person, including a current or prospective board member. A district is not responsible for any costs associated with individuals who are not current board members.

(h) A registration fee shall be determined by ESCs to cover the costs of providing continuing education programs offered by ESCs.

(i) For each training described in this section, the provider of continuing education shall provide verification of completion of board member continuing education to the individual participant and to the participant's school district. The verification must include the provider's authorization or registration number.

(j) To the extent possible, the entire board shall participate in continuing education programs together.

(k) At the last regular meeting of the board of trustees before an election of trustees, the current president of each local board of trustees shall announce the name of each board member who has

completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board or two-year anniversary of his or her previous training, as applicable. The announcement shall state that completing the required continuing education is a basic obligation and expectation of any sitting board member under SBOE rule. The minutes of the last regular board meeting before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment or two-year anniversary of his or her previous training, as applicable. The president shall cause the minutes of the local board to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.

(l) Annually, the SBOE shall commend those local board-superintendent teams that complete at least eight hours of the continuing education specified in subsection (b)(4) and (5) of this section as an entire board-superintendent team.

(m) Annually, the SBOE shall commend local board-superintendent teams that effectively implement the commissioner's trustee improvement and evaluation tool developed under the TEC, §11.182, or any other tool approved by the commissioner.

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 67. STATE REVIEW AND APPROVAL OF INSTRUCTIONAL MATERIALS

The State Board of Education (SBOE) adopts new §§67.27, 67.29, 67.31, 67.33, 67.39, 67.41, 67.61, and 67.63, concerning state review and approval of instructional materials. Section 67.27 and §67.29 are adopted with changes to the proposed text as published in the December 20, 2024 issue of the *Texas Register* (49 TexReg 10176) and will be republished. Sections 67.31, 67.33, 67.39, 67.41, 67.61, and 67.63 are adopted without changes to the proposed text as published in the December 20, 2024 issue of the *Texas Register* (49 TexReg 10176) and will not be republished. The new sections implement House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, by defining the procedures and policies for the selection, appointment, training, and duties of instructional materials review and approval (IMRA) reviewers; outlining the procedures for IMRA public access and public comment; and specifying procedures for materials to be updated or revised following approval by the board. The new sections also outline the procedures for local districts to adopt instructional materials.

REASONED JUSTIFICATION: Texas Education Code (TEC), Chapter 31, addresses instructional materials in public education and permits the SBOE to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials. HB 1605, 88th Texas Legislature, Regular Session, 2023, significantly revised TEC, Chapter 31, including several provisions under SBOE authority. HB 1605 also added a new provision to TEC, Chapter 48, to provide additional funding to school districts and charter schools that adopt and implement SBOE-approved materials. In addition, the bill added requirements related to adoption of essential knowledge and skills in TEC, Chapter 28.

At the January-February 2024 meeting, the SBOE approved 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.21, Proclamations, Public Notice, and Requests for Instructional Materials for Review; §67.23, Requirements for Publisher Participation in Instructional Materials Review and Approval (IMRA); and §67.25, Consideration and Approval of Instructional Materials by the State Board of Education, and Subchapter D, Duties of Publishers and Manufacturers, §67.81, Instructional Materials Contracts, and §67.83, Publisher Parent Portal, for second reading and final adoption. At that time, the board expressed a desire to clarify the rules related to the list of approved instructional materials outlined in TEC, §31.022.

At the June 2024 meeting, the SBOE approved 19 TAC Chapter 67, State Review and Approval of Instructional Materials, Subchapter B, State Review and Approval, §67.43, Lists of Approved and Rejected Instructional Materials, for second reading and final adoption.

The adopted new sections in Subchapter B define the procedures and policies for the selection, appointment, training, and duties of IMRA reviewers; outline the procedures for IMRA public access and public comment; and specify procedures for materials to be updated or revised following approval by the board.

The following changes were made to §67.27 at adoption. Subsection (a) was modified to allow IMRA reviewer applications to include contact information for a reference other than a supervisor if the applicant does not have a supervisor and to state that SBOE members shall have access to all completed applications from their respective districts. New subsections (d) and (e) were created to organize the criteria for quality reviewers and suitability reviewers. The qualification requirements for quality reviewers in subsection (d)(1)(C) was clarified to specify that professors must have three years of experience or more in the subject area(s) or courses being reviewed. Subsection (d)(2) was modified to establish a process for SBOE member approval of a quality reviewer applicant who is rejected by the Texas Education Agency for not meeting minimum eligibility. A provision was added to subsection (d)(12) to allow an SBOE member to waive the application exemption for previous IMRA quality reviewers. Subsection (e)(3) was clarified to require a suitability review panel to reflect the political affiliation of the membership of the SBOE.

Section 67.29(f) was modified at adoption to clarify that the no-contact period for IMRA reviewers begins upon execution of their contract.

The adopted new sections in Subchapter C outline the procedures for local districts to request sample copies of materials under review and clarify the procedures for selection and lo-

cal adoption of instructional materials by school districts and open-enrollment charter schools.

The SBOE approved the new sections for first reading and filing authorization at its November 22, 2024 meeting and for second reading and final adoption at its January 31, 2025 meeting.

In accordance with TEC, §7.102(f), the SBOE approved the new sections for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2025-2026 school year. The earlier effective date will allow for the rules to apply to IMRA Cycle 2025. 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 December 20, 2024, and ended at 5:00 p.m. on January 21, 2025. The SBOE also provided an opportunity for registered oral and written comments at its January 2025 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comments received and corresponding responses.

Comment. A parent requested a follow up for Wichita Independent School District.

Response. This comment is outside the scope of the proposed rulemaking.

SUBCHAPTER B. STATE REVIEW AND APPROVAL

19 TAC §§67.27, 67.29, 67.31, 67.33, 67.39, 67.41

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §31.003(a), which permits the State Board of Education (SBOE) to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials; TEC, §31.022, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, which requires the SBOE to review instructional materials that have been provided to the board by the Texas Education Agency (TEA) under TEC, §31.023; and TEC, §31.023, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, which requires the commissioner of education to establish, in consultation with and with the approval of the SBOE, a process for the annual review of instructional materials by TEA. In conducting a review under this section, TEA must use a rubric developed by TEA in consultation with and approved by the SBOE.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §31.003(a); and §31.022 and §31.023, as amended by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

§67.27. *IMRA Reviewers: Eligibility and Appointment.*

(a) All instructional materials review and approval (IMRA) reviewers must complete an application. The application will include a resume and supervisor, if applicable, or another reference contact information and must request any professional associations, affiliations, and groups in a format approved by the State Board of Education (SBOE) chair. SBOE members shall have access to all completed applications in their respective districts.

(b) The IMRA reviewer application shall be posted to the SBOE website.

(c) An IMRA reviewer may serve as a quality reviewer or as a suitability reviewer.

(d) Quality reviewers.

(1) IMRA quality reviewers must meet one of the following minimum qualification requirements:

(A) educators with three or more years of experience;

(B) district or campus personnel who have taught and/or directly supported the grade level(s) and subject area(s) or course(s) for at least three years;

(C) professors at an accredited institution of higher education in Texas with at least three years or more experience in the subject area(s) or courses; or

(D) persons with evidence of strong content knowledge and experience in the grade level(s) and subject area(s) or course(s).

(2) The Texas Education Agency (TEA) may reject a quality reviewer applicant if the candidate does not meet minimum eligibility as outlined in this section with approval of the SBOE member for which the applicant is a district resident. The member has one week to respond to TEA's decision. If the SBOE member approves applicants who were previously rejected by TEA, those applications shall be reinstated to the applicant pool to be rated.

(3) All eligible quality reviewer applicants shall be evaluated by TEA staff using the applicants' experience and qualifications rated on a scale of 1-3. The best qualified individuals are ranked 1.

(4) Once rated, all eligible quality reviewer applicants are shared with the SBOE member for which the applicant is a district resident.

(5) TEA staff provides all quality reviewer applicants and their applications to the SBOE member for which the applicant is a district resident, and the SBOE member may adjust rankings, veto applicants, and/or identify top candidates.

(6) The SBOE member has two weeks to return applicants and their rankings to TEA staff. If the SBOE member does not submit a response, TEA staff's ranking shall remain unchanged.

(7) IMRA quality reviewers must be approved by the SBOE member for which they are a district resident.

(8) If an individual invited to serve on a quality review panel declines the invitation, the relevant SBOE member will select an alternate from the list of candidates within one week. To the extent an SBOE member fails to select an alternate within one week, the top-ranked applicant is deemed selected.

(9) In the event TEA does not receive enough applications to fill available roles, TEA may:

(A) reduce the size of the review team to no fewer than three reviewers;

(B) postpone the review of materials using the SBOE-approved strategy for prioritizing selection of instructional materials for review; or

(C) modify the review schedule to allow for additional recruitment efforts.

(10) TEA staff shall build quality review panels using top candidates identified from each SBOE district. As final selections are made, TEA may consider the following characteristics to ensure that each individual review panel is balanced and has the necessary qualifications. The guidelines are established to ensure that the work groups are highly qualified, reflect the make-up of the state's educators, and include representation from the following.

(A) Experience: highly qualified educators and others with evidence of strong content knowledge and experience in the subject and/or grade level or bands and/or course(s).

(B) Position: a variety of positions reflected such as parents, classroom teachers, campus- and district-level administrators/specialists, education service center subject area personnel, representatives from higher education, and community members, including employers.

(C) School district size: large, midsize, and small school districts.

(D) Demographics: multiple and different racial and ethnic groups and males and females.

(E) School district/charter school: a variety of local education agencies are represented, including open-enrollment charter schools.

(F) Expertise: if a work group is assigned a grade band, at least one reviewer with experience teaching for each grade level will be prioritized.

(11) TEA staff shall maintain a database of individuals who have served on an IMRA review panel during the review process.

(12) Applicants are exempt from subsection (a) of this section if they have previously served as an IMRA quality reviewer and received an acceptable performance rating; however, an SBOE member may waive this provision and require all applicants to resubmit their applications in accordance with subsection (a) of this section.

(e) Suitability reviewers.

(1) Texas residency is a minimum requirement for any IMRA suitability reviewer.

(2) Each SBOE member shall annually nominate a minimum of 20 applicants to serve as suitability reviewers and rank them from most preferred to least preferred.

(3) A panel for suitability review consists of three reviewers and shall reflect the political affiliation of the membership of the SBOE. No more than one suitability reviewer per panel may be from any one SBOE district.

(4) TEA staff shall build suitability review panels using top candidates identified from each SBOE district. As final selections are made, TEA may consider the following characteristics to ensure that each individual review panel is balanced and has the necessary qualifications.

(A) Experience: successful participation as a quality or suitability reviewer in a past review.

(B) Demographics: multiple and different racial and ethnic groups and males and females.

(5) If an individual invited to serve on a review panel declines the invitation, the relevant SBOE member will select an alternate from the list of candidates within one week. To the extent a member fails to select an alternate within one week, the top-ranked applicant is deemed selected.

(6) If there are not enough suitability reviewers available for a review cycle, TEA shall request more nominations from each SBOE member. To the extent a member fails to nominate additional candidates within one week, candidates from other SBOE member districts may be considered.

(7) If an SBOE member who nominated reviewers no longer holds the office before the start of the annual review, the new

SBOE member may nominate different suitability reviewers or adjust their rankings. If the office is vacant, the SBOE chair may nominate different suitability reviewers or adjust their rankings.

§67.29. IMRA Reviewers: Training, Duties, and Conduct.

(a) Instructional materials review and approval (IMRA) reviewers shall participate in training that includes at least the following:

- (1) the responsibilities of an IMRA reviewer;
- (2) statutes and rules pertaining to the IMRA process;
- (3) essential knowledge and skills specified for subjects and grades or courses included in the proclamation or request for instructional materials, including clear and consistent guidelines for determining Texas Essential Knowledge and Skills (TEKS), Texas Prekindergarten Guidelines (TPG), or English Language Proficiency Standards coverage within the instructional materials;
- (4) identifying factual errors;
- (5) the schedule of IMRA procedures;
- (6) regulatory requirements, including Texas Government Code, §572.051 (relating to Standards of Conduct), and Texas Penal Code, §36.02 (relating to Bribery); and
- (7) IMRA quality and suitability rubrics.

(b) IMRA reviewers shall not accept meals, entertainment, gifts, or gratuities in any form from State Board of Education (SBOE) members; publishers, authors, or depositories; agents for publishers, authors, or depositories; any person who holds any official position with publishers, authors, depositories, or agents; or any person or organization interested in influencing the selection of instructional materials.

(c) IMRA reviewers shall be afforded the opportunity to collaborate with other panel members during the official virtual and face-to-face reviews to discuss coverage of TEKS or TPG, errors, components, or any other aspect of instructional materials being evaluated. Reviewers shall not discuss with other reviewers of the panel the instructional materials being reviewed, except during official virtual and face-to-face reviews.

(d) IMRA reviewers shall not discuss instructional materials being evaluated with a member of the SBOE, unions, organizations, or associations or with any party having a financial interest in the approval of instructional materials prior to the conclusion of the review. The review is considered to have concluded on the date that the final list of instructional materials recommended for approval is posted on the SBOE website.

(e) SBOE members may attend review panel meetings but may not discuss materials under review with state review panel members.

(f) IMRA reviewers shall observe a no-contact period that shall begin upon execution of their contract and end when they are released from their duties. During this period, IMRA reviewers shall not have direct or indirect communication with any person having an interest in the approval process regarding content of instructional materials under evaluation by the panel.

(g) The restrictions in subsections (c)-(f) of this section are not intended to prohibit IMRA reviewers from providing public testimony to the SBOE either at a public hearing or in any regularly scheduled meeting in accordance with the SBOE Operating Rules, §2.12 (relating to Public Hearings).

(h) IMRA reviewers shall report immediately to the commissioner of education and chair of the SBOE any communication or at-

tempted communication by any person not officially involved in the review process regarding instructional materials being evaluated by the panel.

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 March 10, 2025.

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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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



SUBCHAPTER C. LOCAL OPERATIONS

19 TAC §67.61, §67.63

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §31.003(a), which permits the State Board of Education (SBOE) to adopt rules for the adoption, requisition, distribution, care, use, and disposal of instructional materials; TEC, §31.022, as amended by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023, which requires the SBOE to review instructional materials that have been provided to the board by the Texas Education Agency (TEA) under TEC, §31.023; and TEC, §31.023, as amended by HB 1605, 88th Texas Legislature, Regular Session, 2023, which requires the commissioner of education to establish, in consultation with and with the approval of the SBOE, a process for the annual review of instructional materials by TEA. In conducting a review under this section, TEA must use a rubric developed by TEA in consultation with and approved by the SBOE.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §31.003(a); and §31.022 and §31.023, as amended by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

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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Director, Rulemaking

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TITLE 28. INSURANCE

PART 2. TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

CHAPTER 120. COMPENSATION
PROCEDURE--EMPLOYERS

28 TAC §120.2

INTRODUCTION. The Texas Department of Insurance, Division of Workers' Compensation (DWC) adopts amendments to 28 TAC §120.2, concerning employer's first report of injury and notice of injured employee rights and responsibilities. DWC adopts §120.2 without changes to the proposed text published in the October 25, 2024, issue of the *Texas Register* (49 TexReg 8544). The rule will not be republished.

REASONED JUSTIFICATION. The amendments correct the addresses and websites contained in 28 TAC §120.2 to reflect the current addresses and websites of DWC and the Office of Injured Employee Counsel (OIEC). The amendments are necessary to ensure that the information in the rule is current and accurate. The adopted amendments also make updates for plain language and agency style.

SUMMARY OF COMMENTS AND AGENCY RESPONSE.

Commenters: DWC received one written comment. Commenters in support of the proposal were: OIEC.

Comment on §120.2. OIEC commented in support of the proposed amendments.

Agency Response to Comment on §120.2. DWC appreciates the comment.

STATUTORY AUTHORITY. The commissioner of workers' compensation adopts the amendments to 28 TAC §120.2 under Labor Code §§404.109, 402.00111, 402.00116, and 402.061.

Labor Code §404.109 provides that the public counsel of OIEC shall adopt, in the form and manner prescribed by the public counsel and after consultation with the commissioner of workers' compensation, a notice of injured employee rights and responsibilities to be distributed by the division as provided by commissioner or commissioner of insurance rules.

Labor Code §402.00111 provides that the commissioner of workers' compensation shall exercise all executive authority, including rulemaking authority under Title 5 of the Labor Code.

Labor Code §402.00116 provides that the commissioner of workers' compensation shall administer and enforce this title, other workers' compensation laws of this state, and other laws granting jurisdiction to or applicable to the division or the commissioner.

Labor Code §402.061 provides that the commissioner of workers' compensation shall adopt rules as necessary to implement and enforce the Texas Workers' Compensation Act.

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 March 6, 2025.

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Kara Mace

General Counsel

Texas Department of Insurance, Division of Workers' Compensation

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For further information, please call: (512) 804-4703

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TITLE 31. NATURAL RESOURCES AND
CONSERVATION

PART 2. TEXAS PARKS AND
WILDLIFE DEPARTMENT

CHAPTER 53. FINANCE

SUBCHAPTER A. FEES

DIVISION 1. LICENSE, PERMIT, AND BOAT
AND MOTOR FEES

31 TAC §53.10

The Texas Parks and Wildlife Commission in a duly noticed meeting on January 23, 2025, adopted an amendment to §53.10, concerning Public Hunting and Fishing Permits and Fees, without change to the proposed text as published in the December 20, 2024, issue of the *Texas Register* (49 TexReg 10292) and will not be republished.

The amendment is a result of the department's review of its regulations under the provisions of Government Code, §2001.039, which requires each state agency to review each of its regulations no less frequently than every four years and to re-adopt, adopt with changes, or repeal each rule as a result of the review.

The amendment implements a conforming change to terminology with respect to references to pronghorn antelope. In 2022, the department amended 31 TAC §65.3, concerning Definitions, to define "pronghorn" as "pronghorn antelope (*Antilocarpa americana*)." Although Parks and Wildlife Code, Chapter 63, designates the "pronghorn antelope" as a game species, the animal is not in fact a true antelope. Additionally, it is less cumbersome to simply refer to the animal as a pronghorn.

The department received one comment opposing adoption of the rule as proposed. The commenter did not provide a reason or rationale for opposing adoption. No changes were made as a result of the comment.

The department received four comments supporting adoption of the rule as proposed.

The amendment is adopted under the authority of Parks and Wildlife Code, §81.403, which authorizes the commission to establish a fee for a permit for the hunting of wildlife or for any other use in wildlife management areas.

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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James Murphy

General Counsel

Texas Parks and Wildlife Department

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For further information, please call: (512) 389-4775

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CHAPTER 57. FISHERIES

SUBCHAPTER E. PERMITS TO POSSESS OR SELL NONGAME AND EXOTIC FISH TAKEN FROM PUBLIC FRESH WATER

31 TAC §§57.377 - 57.379, 57.381, 57.382, 57.384

The Texas Parks and Wildlife Commission in a duly noticed meeting on January 23, 2025, adopted amendments to 31 TAC §§57.377 - 379, 57.381, 57.382, and 57.384, concerning Permits to Possess or Sell Nongame and Exotic Fish Taken from Public Fresh Water. Section 57.377, concerning Definitions, and §57.378, concerning Applicability: Affected Species, are adopted with changes to the proposed text as published in the December 20, 2024, issue of the *Texas Register* (49 TexReg 10293) and will be republished. Sections 57.379, 57.381, 57.382, and 57.384 are adopted without change and will not be republished.

The change to §57.377 adds a closing parentheses mark to paragraph (1). The change to §57.378 moves common carp from the list of nongame species in subsection (a) to the list of exotic species in subsection (b), corrects capitalization errors in taxonomic names in subsections (a)(8) and (b)(2), and a misspelling of *Pterygoplichthys* in subsection (c). The changes are nonsubstantive.

The amendments add selected exotic species of fish to the list of species for which the department may issue permits authorizing take from public waters for commercial purposes, remove several species from that list, and make clarifying and house-keeping-type changes to improve accuracy and readability.

The amendment to §57.377, concerning Definitions, adds language to clarify that the rules include and are applicable to exotic species in addition to indigenous species. Under Parks and Wildlife Code, Chapter 61, the commission is authorized to regulate the take and possession of aquatic animal life from public fresh water. Parks and Wildlife Code, Chapter 66, delegates to the commission the authority to designate nonindigenous (exotic) species of fish as harmful or potentially harmful exotic aquatic species and regulate their importation, possession, and sale. Under Parks and Wildlife Code, Chapter 67, the department is delegated the authority to manage all indigenous species of fish not designated by rule as game fish (i.e., nongame fish) if necessary to properly manage the species. The amendment is intended to eliminate possible confusion, and is made throughout this rulemaking.

The amendment to §57.378, concerning Applicability: Nongame Fishes, retitles the section to be generic with respect to the effect of the subchapter, adds silver carp and suckermouth armored catfish to the list of species for which a permit may be issued for commercial take, removes freshwater drum, Rio Grande cichlid, and minnows from the list, and adds a clarifying statement that no permit under Chapter 57, Subchapter A (Harmful or Potentially Harmful Fish, Shellfish, and Aquatic Plants) is required for an activity authorized under a permit issued under Subchapter E. The amendment also replaces the current graphic list of affected species with a list that conforms to the conventional rule format.

Silver carp are native to eastern Asia and were introduced to private fish farms and wastewater treatment facilities in the United States during the 1970s and 1980s as a biological control agent to reduce algae growth and improve water-quality conditions in ponds. By 1980, they had escaped into the Mississippi River system during high-water flooding events and subsequently

spread rapidly throughout the Mississippi River drainage. They have become established and potentially problematic in more than ten states, where they compete with native species and pose hazards to boaters because they can weigh up to 60 pounds and are capable of leaping out of the water when startled (such as by boat noise), sometimes striking boaters. Silver carp are now well-documented in the Red River and all its Texas tributaries below Lake Texoma but are not yet highly abundant. There are U.S. and international markets for wild-caught silver carp, regional efforts are underway to incentivize harvest, and the amendment allows their commercial sale. The amendment is intended to encourage removal of this species from Texas fresh waters with the additional benefit of commercial incentive.

Suckermouth armored catfish are native to Central and South America and were imported to the U.S. via the aquarium trade to control algae. Aquarists have been known to dump the contents of fish tanks for various reasons, which is believed to have resulted in the introduction of this species to Texas waters, where high abundance has been documented in some locations. This species competes with indigenous fishes, inadvertently consumes the eggs of other fishes through its feeding behavior, and may cause serious disruptions in food webs and native ecosystems. They are especially problematic in spring-influenced river systems such as those found in the Edwards Plateau of Texas but are also widespread in the Houston and South Texas regions. Additionally, their burrowing behavior causes destabilization and erosion in riverbanks, earthen retention structures, and under concrete retention structures, with resulting potential for economic damage. There has been commercial interest in this species from pet food producers. The amendment is intended to encourage removal of this species from Texas fresh waters with the additional benefit of a commercial incentive.

Freshwater drum are indigenous to Texas and are recreationally and ecologically important. The species serves as a reproductive host for numerous species of native freshwater mussels, many of which are threatened, endangered, or recognized as species in need of conservation intervention. The department has determined that continued commercial harvest of freshwater drum is inconsistent with conservation and recovery goals for imperiled freshwater mussels; therefore, the amendment removes the species from the list of species for which a permit under the subchapter could be issued.

Similarly, the amendment removes minnows from the list of species for which a permit under the subchapter is authorized. The department has determined that 64 percent of the minnow genera currently authorized for commercial harvest in Texas include species that are threatened, endangered, or species of greatest conservation need--37 imperiled species in total. Because of their small size and similarity of appearance, the department believes it is prudent to prohibit all commercial harvest in order to ensure the ability of all minnow species to perpetuate themselves, as well as to forestall or prevent additional state or federal listings as threatened or endangered species.

Finally, the amendment removes the Rio Grande cichlid from the list of species authorized for commercial harvest. The Rio Grande cichlid is native to Texas and is the only indigenous cichlid native to the U.S. Known to be a vigorous fighter, it has become increasingly popular as a sport fish, particularly among fly fishers. Commercial take has become almost non-existent and the department believes that removing it from the list aligns with recreational fisheries management goals, especially for Central

Texas creeks and rivers, where sport fishing guides offer trips targeting the species.

The amendment to §57.382, concerning Harvest and Sales Reports, eliminates the current contents of the section other than the requirement to retain sales receipts and inserts a reference to the requirements of §57.993, concerning Commercial Harvest Report. Under the provisions of §57.993, all persons who engage in commercial harvest activities are required to report those activities to the department; therefore, the requirements of current paragraphs (1) and (2) of §57.382 are unnecessary, since that data is already captured. Therefore, the contents of current paragraph (1) and (2) can be replaced with a simple reference to the reports required under §57.993.

The amendment to §57.384, concerning Refusal to Issue, eliminates current paragraph (4), which is no longer necessary. In 2022, the department promulgated Chapter 56 to comply with recommendations of the Texas Sunset Advisory Commission to establish a uniform process to govern department decisions to refuse issuance or renewal of non-recreational licenses and permits for which such processes are not prescribed by statute. The Sunset Commission also recommended a similar process for agency decisions to suspend or revoke such licenses and permits. The permit established by this subchapter is subject to the provisions of Chapter 56; thus, paragraph (4) is no longer necessary. The amendment retitles the section accordingly to reflect the content of the section.

The amendments to §57.379, concerning Prohibited Acts, §57.381, concerning Permit Specifications and Requirements, and §57.382, concerning Harvest and Sales Reports, make conforming changes as discussed earlier to reflect the applicability of the rules to all species of fish taken from public waters for commercial purposes.

The department received no comments opposing adoption of the rules as proposed.

The department received six comments supporting adoption of the rules as proposed.

The amendments are adopted under Parks and Wildlife Code, Chapter 61, which authorizes the commission to regulate take and possession of aquatic animal life and the means, methods, and places in which it is lawful to take or possess aquatic animal life (including public fresh water); Chapter 66, Subchapter A, which authorizes the department to make rules governing the importation, possession, and sale of exotic harmful or potentially harmful fish; and Chapter 67, which authorizes the commission to establish any limitation of the take, possession, propagation, transportation importation, exportation, sale, and offering for sale of nongame fish necessary to manage those species.

§57.377. *Definitions.*

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) *Affected species*--For purposes of this subchapter, all nongame fish and exotic fish listed in §57.378 of this title (relating to Applicability; Affected Species).
- (2) *Department*--The Texas Parks and Wildlife Department or any authorized employee thereof.
- (3) *Exotic fish*--As defined in Parks and Wildlife Code §66.007.

(4) *Game fish*--As defined in §57.971(15)(A) of this title (relating to Definitions).

(5) *Nongame fish*--For the purposes of this subchapter, all indigenous or native species not defined as game fish, except endangered and threatened fish, which are defined and regulated under Chapter 65, Subchapter G of this title (relating to Threatened and Endangered Nongame Species).

(6) *Public freshwater*--All of the state rivers, streams, creeks, bayous, reservoirs, lakes, and portions of those freshwaters not defined as coastal waters in §57.971 of this title (relating to Definitions), where public access is available without discrimination.

(7) *Shad*--Gizzard and threadfin shad (*Dorosoma* spp.).

§57.378. *Applicability: Affected Species.*

(a) *Nongame Species.* A permit to sell the following species of fish taken from public fresh water may be issued if the department determines that it is necessary to properly manage the species.

(1) Gars (*Lepisosteus* spp. and *Atractosteus* spp.);

(2) Bowfin (*Amia calva*);

(3) Shads (*Dorosoma* spp.);

(4) Suckers (buffalo) (*Ictiobus* spp.);

(5) River carpsucker (*Carpionodes carpio*);

(6) Bullhead catfishes (*Ameiurus* spp.);

(7) Silversides (*Menidia beryllina* and *Membras martinica*); and

(8) Mullet (*Mugil* spp.).

(b) *Exotic fish.* A permit to sell the following species of fish taken from public fresh water may be issued if the department determines that it will encourage the removal of undesirable species.

(1) Goldfish (*Carassius auratus*);

(2) Grass carp (*Ctenopharyngodon idella*);

(3) Bighead carp (*Hypophthalmichthys nobilis*);

(4) Common carp (*Cyprinus carpio*);

(5) Tilapia (*Oreochromis* spp.);

(6) Silver carp (*Hypophthalmichthys molitrix*); and

(7) Suckermouth armored catfishes (*Hypostomus* spp. and *Pterygoplichthys* spp.).

(c) *Hybrids* among species listed in subsection (a) of this section may be sold under a permit issued under this subchapter authorizing the take of at least one of the species.

(d) No permit under Chapter 57, Subchapter A, of this chapter is required for an activity authorized under a permit issued under this subchapter; however, all controlled exotic species taken under this subchapter shall be subject to the provisions of §57.113(e) of this title (relating to General Provisions and Exceptions).

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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James Murphy
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Texas Parks and Wildlife Department
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CHAPTER 69. RESOURCE PROTECTION

The Texas Parks and Wildlife Commission in a duly noticed meeting on January 23, 2025, adopted amendments to 31 TAC §69.4 and §69.8, concerning Endangered, Threatened, and Protected Native Plants, and §69.304 and §69.305, concerning Scientific, Educational, and Zoological Permits, without change to the proposed text as published in the December 20, 2024, issue of the *Texas Register* (49 TexReg 10320). The rules will not be republished. The amendments make corrections to internal citations and update scientific names and organizational titles and are nonsubstantive.

The amendments are a result of the department's review of its regulations under the provisions of Government Code, §2001.039, which requires each state agency to review each of its regulations no less frequently than every four years and to re-adopt, adopt with changes, or repeal each rule as a result of the review.

The amendment to §69.4, concerning Renewal, corrects an erroneous internal citation.

The amendment to §69.8, concerning Endangered and Threatened Plants, updates the scientific names for two species of plants. From time to time the consensus of the scientific community with respect to taxonomic differentiation changes, necessitating updates to department rules to reflect that fact.

The amendments to §69.304, concerning Qualifications, and §69.305, concerning Reports, update the name of an accrediting organization.

The department received one comment opposing adoption of the rules as proposed. The commenter did not provide a reason or rationale for opposing adoption. No changes were made as a result of the comment.

The department received six comments supporting adoption of the rules as proposed.

SUBCHAPTER A. ENDANGERED, THREATENED, AND PROTECTED NATIVE PLANTS

31 TAC §69.4, §69.8

The amendment is adopted under the authority of Parks and Wildlife Code, §88.006, which requires the department to adopt regulations to administer the provisions of Chapter 88, including regulations to provide for procedures for identifying endangered, threatened, or protected plants.

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. SCIENTIFIC, EDUCATIONAL, AND ZOOLOGICAL PERMITS

31 TAC §69.304, §69.305

The amendments are adopted under Parks and Wildlife Code, §43.002, which requires the commission to adopt rules to govern the collecting, holding, possession, propagation, release, display, or transport of protected wildlife for scientific research, educational display, zoological collection, or rehabilitation.

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