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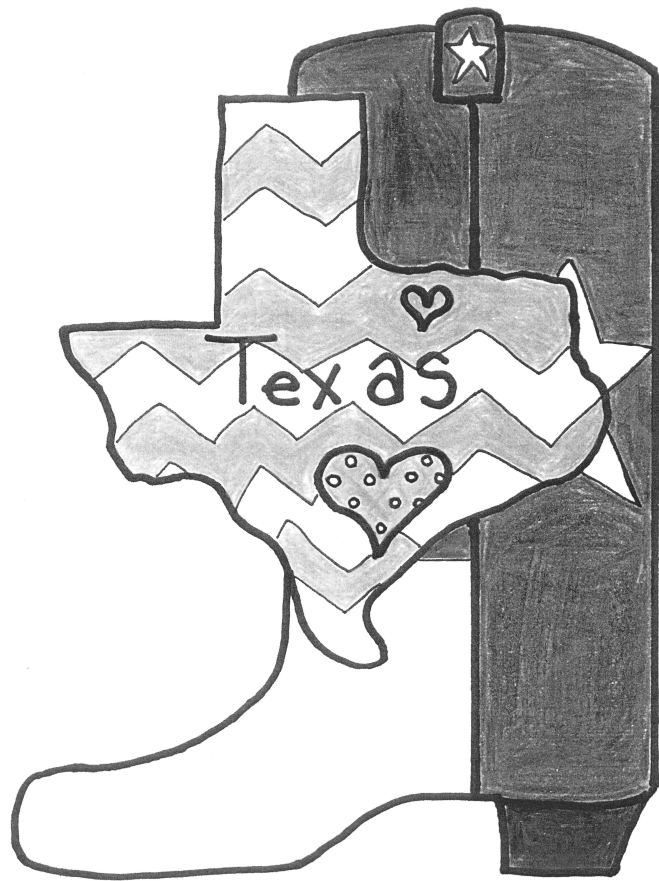
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THE GOVERNOR

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

Executive Order GA-45

Relating to the suspension of the seven-day waiting period for certain state unemployment insurance claimants who have become unemployed as a direct result of the disaster created by Hurricane Beryl.

WHEREAS, a disaster proclamation was issued on July 5, 2024, as amended in subsequent proclamations, certifying that Hurricane Beryl posed a threat of imminent disaster in certain counties in Texas; and

WHEREAS, Hurricane Beryl struck the Texas coast on July 8, 2024, causing a natural catastrophe that destroyed crucial infrastructure, threatened physical harm, and endangered the public welfare; and

WHEREAS, the disaster caused by Hurricane Beryl has resulted in the loss of life and widespread human suffering, loss of income, and property loss and damage, including the interruption of the operation and delivery of essential services and supplies; and

WHEREAS, many places of employment have sustained damage or have otherwise had to close due to Hurricane Beryl-related circumstances creating a lack of work and loss of salaries and revenues; and

WHEREAS, workers and employees totally or partially unemployed by the disaster have found the current seven-day waiting period for certain state unemployment insurance claims a hardship to receiving benefits; and

WHEREAS, the President of the United States issued a major disaster declaration (FEMA-4798-DR) on July 9, 2024, under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Section 5121 et seq.;

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, by virtue of the power and authority vested in me by Section 207.0212 of the Texas Labor Code, do hereby order the suspension of the seven-day waiting period requirement imposed by Section 207.021(a)(8) of the Texas Labor Code to authorize an individual to receive benefits for that waiting period if the individual is:

- (1) unemployed as a direct result of a natural disaster that resulted in the major disaster declaration issued by the President of the United States (FEMA-4798-DR) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. Section 5121 et seq.;
- (2) otherwise eligible for unemployment compensation benefits under the Texas Unemployment Compensation Act; and
- (3) not receiving disaster unemployment assistance benefits for the period included in that waiting period.

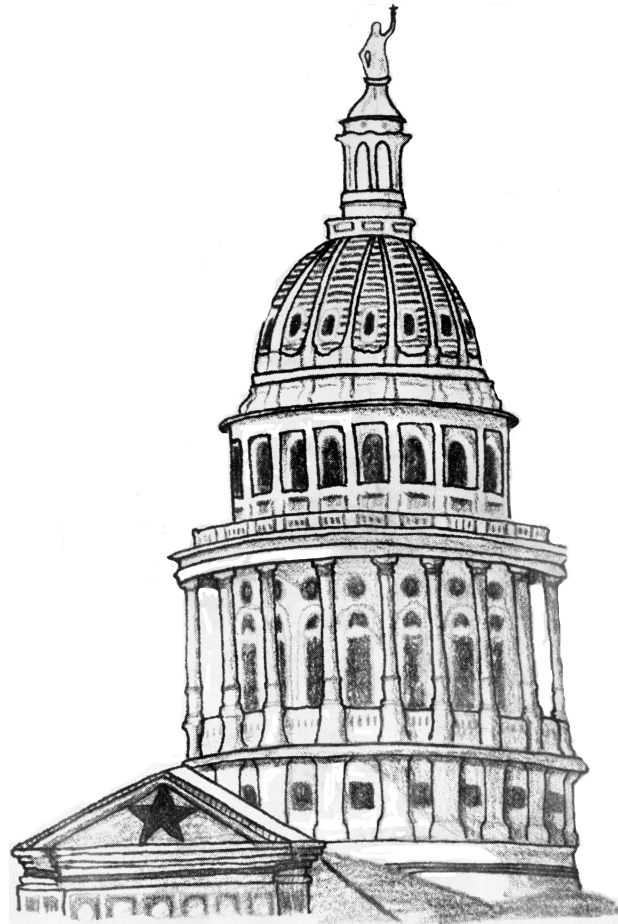
This executive order supersedes all previous orders in conflict or inconsistent with its terms and shall remain in effect and in full force until modified, amended, rescinded, or superseded by the governor.

Given under my hand this the 15th day of July, 2024.

Greg Abbott, Governor

TRD-202403115





THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following: Requests for Opinions, Opinions, and Open Records Decisions.

An index to the full text of these documents is available on the Attorney General's website at <https://www.texas.attorneygeneral.gov/attorney-general-opinions>. For information about pending requests for opinions, telephone (512) 463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <https://www.texasattorneygeneral.gov/attorney-general-opinions>.)

Requests for Opinions

RQ-0549-KP

Requestor:

The Honorable Josh Tetens

McLennan County District Attorney

219 North 6th Street, Suite 200

Waco, Texas 76701

Re: Use of funds collected under Local Government Code section 118.0216 (RQ-0549-KP)

Briefs requested by August 14, 2024

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202403119

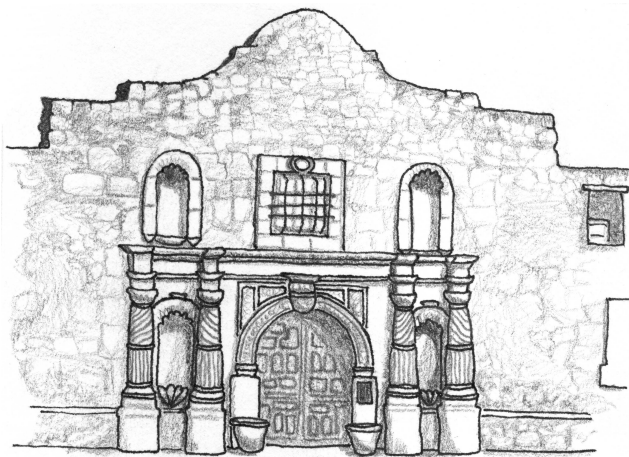
Justin Gordon

General Counsel

Office of the Attorney General

Filed: July 16, 2024





PROPOSED RULES

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

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

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

TITLE 1. ADMINISTRATION

PART 3. OFFICE OF THE ATTORNEY GENERAL

CHAPTER 55. CHILD SUPPORT ENFORCEMENT

SUBCHAPTER D. FORMS FOR CHILD SUPPORT ENFORCEMENT

1 TAC §55.119

The Office of the Attorney General (OAG) Child Support Division proposes an amendment to 1 TAC §55.119(a) regarding the OMB form number for a Notice of Lien.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

This proposed amendment updates the OMB form number for the federal Notice of Lien form from Form OMB 0970-0153 to Form OMB 0970-152.

SECTION SUMMARY

The OAG proposes to amend §55.119(a) to change the OMB form number referenced in the code from Form OMB 0970-0153 to Form OMB 0970-0152.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Ruth Anne Thornton, Director of Child Support (IV-D Director), has determined that for the first five-year period the proposed amendment is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the amended section.

PUBLIC BENEFIT AND COST

Ms. Thornton has also determined that for each year of the first five years the proposed amendment is in effect, the public will benefit by having the correct form cited in the code. This code references the external-facing OAG website which provides a link to the Notice of Lien OMB# 0970-0152 and reference to 1 TAC §55.119(a). In addition, for each year of the first five-year period the proposed rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Ms. Thornton has determined that the proposed amendment will not effect small businesses, micro-businesses, and rural communities required to comply with the amendment as proposed. Therefore, no regulatory flexibility analysis is required under Texas Government Code §2006.002.

LOCAL EMPLOYMENT OR ECONOMY IMPACT

Ms. Thornton has determined that the proposed amendment does not have an impact on local employment or economies. Therefore, no local employment or economy impact statement is required under Texas Government Code §2001.022.

GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with Government Code §2001.0221, the OAG has prepared the following government growth impact statement. During the first five years the proposed amendment would be in effect, the proposed rule:

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

TAKINGS IMPACT ASSESSMENT

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

PUBLIC COMMENT

The Office of Attorney General, Child Support Division, invites comments on the proposed amended rule from any interested persons, including any member of the public. Written comments on this proposed amendment should be submitted to Joel Rogers, Associate Deputy Attorney General for Child Support Legal Services, Child Support Division, Office of the Attorney General, P.O. Box 12017, Mail Code 044, Austin, Texas 78711-2017 or CSD-Tex-Admin-Code@oag.texas.gov. Comments will be accepted for 30 days following publication in the *Texas Register*. Comments must be received within 30 days after the publication of this proposed amendment to be considered.

STATUTORY AUTHORITY

The OAG proposes amendment to 1 TAC §55.119(a) under the authority of Texas Family Code §§231.001, 231.003. Section 231.001 designates the OAG as the state's Title IV-D agency. Section 231.003 authorizes the Title IV-D agency by rule to promulgate forms and procedures for the implementation of Title IV-D services. Texas Family Code §157.313 provides the contents of child lien, except as provided by subsection (e) which states a notice of lien may be in the form authorized by federal law or regulation. This amendment correctly identifies the authorized federal form for a notice of lien.

CROSS-REFERENCE TO STATUTE

Amendment to 1 TAC §55.119(a) conforms to statutory requirements and supplements Texas Family Code §157.313(e) as authorized by Texas Family Code §§231.001, 231.003.

§55.119. *Forms for Notice of Lien, for Release of Child Support Lien, and for Partial Release of Child Support Lien.*

(a) The following form is to be filed with the county clerk of a county in which real or personal property of the obligor is believed to be located in accordance with the Texas Family Code, Chapter 157, Subchapter G. Notice of the lien may be given to any person known to be in possession of real or personal property of the obligor, and if such notice is given the property may not be paid over, released, sold, transferred, encumbered, or conveyed without incurring the penalties provided by the Texas Family Code, §157.324. The prescribed form for Notice of Lien (Form OMB 0970-0152) [~~Form OMB 0970-0153~~] can be obtained from the Texas Attorney General's Child Support Division webpage www.texasattorneygeneral.gov under Child Support, Forms.

(b) The following form is to be used when the payment in full of all child support, costs, and attorney fees has been made. The prescribed form for Release of Child Support Lien (Form 1854B) can be obtained from the Texas Attorney General's Child Support Division webpage www.texasattorneygeneral.gov under Child Support, Forms.

(c) The following form is to be used when not all child support, costs and attorney fees have been paid but the claimant agrees to release the lien on specific property. The prescribed form for Partial Release of Child Support Lien (Form 1854C) can be obtained from the Texas Attorney General's Child Support Division webpage www.texasattorneygeneral.gov under Child Support, Forms.

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

Filed with the Office of the Secretary of State on July 15, 2024.

TRD-202403106

Justin Gordon

General Counsel

Office of the Attorney General

Earliest possible date of adoption: August 25, 2024

For further information, please call: (800) 252-8014



TITLE 16. ECONOMIC REGULATION

PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

SUBCHAPTER S. WHOLESALE MARKETS

16 TAC §25.510

The Public Utility Commission of Texas (commission) proposes an amendment to 16 Texas Administrative Code (TAC) §25.510 relating to the Texas Energy Fund In-ERCOT Generation Loan Program. The new rule was initially adopted by the commission on March 21, 2024, and published in the *Texas Register* on April 19, 2024, with an effective date of April 23, 2024.

This rule implements Public Utility Regulatory Act (PURA) §34.0104 as enacted by Senate Bill (SB) 2627 during the Texas 88th Regular Legislative Session. The rule establishes procedures for applying for a loan for construction of dispatchable electric generation facilities within the ERCOT region, evaluation criteria, and terms for repayment and also specifies a performance standard that an electric generating facility must achieve to obtain a loan. The proposed amendment to the rule is to correct an inadvertent omission by the Texas Register in the definitions for the formulas in subsection (b)(4) and (5). No other amendments have been made to the rule.

Growth Impact Statement

The agency provides the following governmental growth impact statement for the proposed rule, as required by Texas Government Code §2001.0221. The agency has determined that, for each year of the first five years that the proposed rule is in effect, the following statements will apply:

- (1) the proposed rule will not create a government program and will not eliminate a government program;
- (2) implementation of the proposed rule will not require the creation or elimination of new employee positions;
- (3) implementation of the proposed rule will not require an increase in legislative appropriations;
- (4) implementation of the proposed rule will not require a decrease in future legislative appropriations to the agency;
- (5) the proposed rule will not require an increase and will not require a decrease in fees paid to the agency;
- (6) the proposed rule will create a new regulation;
- (7) the proposed rule will not expand, limit, or repeal an existing regulation;
- (8) the proposed rule will not change the number of individuals subject to the rule's applicability; and
- (9) the proposed rule will not affect this state's economy.

Fiscal Impact on Small and Micro-Businesses and Rural Communities

There is no adverse economic effect anticipated for small businesses, micro-businesses, or rural communities as a result of implementing the proposed rule. Accordingly, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002(c).

Takings Impact Analysis

The commission has determined that the proposed rule will not be a taking of private property as defined in Texas Government Code chapter 2007.

Fiscal Impact on State and Local Government

Adriana Gonzales, Legal Assistant, Rules and Projects Division, has determined that for the first five-year period the proposed rule is in effect, there will be no fiscal implications for the state or for units of local government under Texas Government Code §2001.024(a)(4) as a result of enforcing or administering the section.

Public Benefits

Ms. Gonzales has determined that for each year of the first five years the proposed rule is in effect, the public benefit anticipated as a result of enforcing the section will be aligning the posted rule in the Texas Administrative Code with the order previously adopted by the commission in this project. There will be no probable economic cost to persons required to comply with the rule under Texas Government Code §2001.024(a)(5).

Local Employment Impact Statement

For each year of the first five years the proposed section is in effect, there should be no effect on a local economy; therefore, no local employment impact statement is required under Texas Government Code §2001.022.

Costs to Regulated Persons

Texas Government Code §2001.0045(b) does not apply to this rulemaking because the commission is expressly excluded under §2001.0045(c)(7).

Public Hearing

The commission staff will conduct a public hearing on this rulemaking if requested in accordance with Texas Government Code §2001.029. The request for a public hearing must be received by August 9, 2024. If a request for public hearing is received, commission staff will file in this project a notice of hearing.

Public Comments

Interested persons may file comments electronically through the interchange on the commission's website or by submitting a paper copy to Central Records, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326. Austin, Texas 78711-3326. Comments must be filed by August 9, 2024. Comments should be organized in a manner consistent with the organization of the proposed rule. All comments should refer to Project Number 55826.

Statutory Authority

The rule is proposed under Public Utility Regulatory Act (PURA) §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction; §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; §34.0104, which authorizes the commission to use money in the Texas Energy Fund to provide loans to finance upgrades to or new construction of electric generating facilities in the ERCOT region; §34.0106(c), which requires the commission to adopt performance standards that electric generating facilities must meet to obtain a loan; and §34.0110, which authorizes the commission to establish procedures

for the application and award of a grant or loan under PURA chapter 34, subchapter A.

Cross Reference to Statute: Public Utility Regulatory Act §§14.001, 14.002, 34.0104; 34.0106(c), and 34.0110.

§25.510. Texas Energy Fund In-ERCOT Generation Loan Program.

(a) (No change.)

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

(1) - (3) (No change.)

(4) 12-Month performance availability factor (PAF)--A metric calculated with ERCOT availability and real time (RT) telemetered data for each generation resource in an electric generating facility financed by a loan under this section. The PAF is computed as the average ratio of each generation resource's RT high sustainable limit (HSL) and its obligated capacity over a 12-month measurement period, expressed as a percentage. Intervals that occurred during an approved planned outage of a generation resource are excluded. The PAF is calculated as follows:

Figure: 16 TAC §25.510(b)(4)

[Figure: 16 TAC §25.510(b)(4)]

(5) 12-Month planned outage factor (POF)--A metric calculated with ERCOT data for each generation resource in an electric generating facility financed by a loan under this section. The POF is computed as the percentage of time each generation resource spent in planned outages over a 12-month measurement period. The POF is calculated as follows:

Figure: 16 TAC §25.510(b)(5)

[Figure: 16 TAC §25.510(b)(5)]

(c) - (k) (No change.)

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

Filed with the Office of the Secretary of State on July 11, 2024.

TRD-202403064

Adriana Gonzales

Rules Coordinator

Public Utility Commission of Texas

Earliest possible date of adoption: August 25, 2024

For further information, please call: (512) 936-7322



TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 13. FINANCIAL PLANNING SUBCHAPTER G. TUITION AND FEES

19 TAC §13.122

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter G, §13.122, concerning Tuition and Fees. Specifically, this new section will outline the manner in which nonresident tuition rates are established, includ-

ing an alternate nonresident tuition rate that general academic teaching institutions may request to use.

The Coordinating Board is authorized to adopt rules as necessary for the administration of nonresident tuition rates by Texas Education Code (TEC), Section 54.075. The Coordinating Board used negotiated rulemaking to develop these proposed rules. The Coordinating Board will make reports of negotiated rulemaking committees available upon request.

Rule 13.122(a) indicates the authorizing statute for the creation of this new rule.

Rule 13.122(b) indicates the definitions necessary for the administration of this new rule. To promote consistency in the Coordinating Board's rules, the proposed rule cross-references new definitions in Chapter 2, Subchapter P, which were published in the *Texas Register* on May 31, 2024, and will be considered for adoption at the Coordinating Board's July 2024 Board meeting. (Subchapter P will establish procedures relating to off-campus educational sites, courses, certificates, and degree programs, and it includes detailed definitions for these various types of locations.)

Rule 13.122(c) indicates that nonresident tuition rates provided by the applicable provisions of Texas Education Code, Chapters 51 and 54, including those outlined throughout rule 13.122, apply to any student who does not demonstrate residency, regardless of citizenship, as dictated by Texas Education Code, §54.051(m).

Rule 13.122(d) indicates the timing of when the Coordinating Board will publish the annual nonresident tuition rate and summarizes the students to whom the nonresident rate applies. This subsection replaces rule 21.2(a), which is proposed for repeal.

Rule 13.122(e) indicates the manner by which the Coordinating Board will calculate the nonresident tuition rate, as dictated by Texas Education Code, §54.051(d). This subsection replaces rule 21.2(b), which is proposed for repeal.

Rule 13.122(f) indicates the manner in which the Coordinating Board administers Texas Education Code, §54.0601. The Coordinating Board used negotiated rulemaking to develop this subsection of the new rule.

Paragraph (1) indicates the conditions under which a general academic teaching institution may request to use the alternate nonresident tuition rate at its parent institution (defined in rule 2.383). Eligibility to request to use the alternate nonresident tuition rate at the parent institution is based on the parent institution's 100-mile proximity to the border of Texas and another U.S. state. It is not based on the geographic location of an off-campus educational site. If approved, the alternate nonresident tuition rate applies only to the general academic teaching institution's on-campus students (defined in rule 2.383). If a student qualifies for the alternate nonresident rate, then the rate may be applied to any of the student's coursework at the general academic teaching institution. This level of detail is provided to help ensure consistent administration of the rule across the multiple general academic teaching institutions eligible to participate.

Paragraph (2) indicates the conditions under which a general academic teaching institution may request to use the nonresident tuition rate at its off-campus educational site(s) (defined in rule 2.383). The Board included a separate subsection for off-campus educational sites to provide clarity that the request and approval process, along with the applicability of the alternate tuition rate, is unique to the specific site. Eligibility to request to

use the alternate nonresident tuition rate at an off-campus educational site is based on that site's location within 100-miles of a border between Texas and another U.S. state and is requested separately from the parent institution. An off-campus educational site is eligible for consideration if the site offers at least one off-campus degree program (defined in rule 2.383). If approved, the alternate nonresident tuition rate applies only to the general academic teaching institution's eligible off-campus students (defined in rule 2.383) whose off-campus degree program is offered through the off-campus educational site. If a student qualifies for the alternate nonresident rate, then the rate may be applied to any of the student's coursework at the general academic teaching institution. This level of detail is provided to help ensure consistent administration of the rule across the multiple general academic teaching institutions eligible to participate.

Paragraph (3) indicates that the alternate nonresident tuition rate applies only to those nonresident students for whom the Coordinating Board is responsible for calculating a nonresident tuition rate, as determined by Texas Education Code, §54.051.

Paragraph (4) indicates the impact that using an alternate nonresident tuition rate will have on the calculation of formula funding, as dictated by Texas Education Code, §61.059.

Paragraph (5) indicates the process by which institutions may request to use the alternate nonresident tuition rate. Such a request can be understood as having three main components: methodology, scope, and rationale. First, institutions will provide a methodology by which they will calculate the alternate nonresident tuition rate. This methodology can be for a full biennium (i.e. a calculable relationship between the alternate nonresident rate and other tuition rates), or institutions may submit annual requests with discrete alternate nonresident tuition rates. Second, the institution also must define the scope of its use of the alternate nonresident tuition rate. This includes the specific educational site for which the request is being made (institutions with multiple eligible education sites must submit separate requests for each) and state(s) from which nonresident students would receive the requested alternate rate. The alternate nonresident tuition rate is limited to students who reside in a U.S. state of which any portion is within a 135-mile radius of the educational site for which the request is being submitted. This operationalizes guidance previously provided by the Coordinating Board after the statute was originally created. The Coordinating Board views this restriction as a reasonable measure to prevent unreasonable harm to other institutions of higher education. Finally, institutions also must provide their justification for requesting the alternate rate by providing explanations of why offering the rate is in the best interest of the institution and why it would not cause unreasonable harm to another institution, which are required by statute. This information will be used in the Coordinating Board's review and approval process.

Paragraph (6) indicates the Coordinating Board's review and approval process for requests. The Coordinating Board may deny or approve the request, in whole or in part, within 30 calendar days of receiving the request. Institutions may not offer or publish the alternate rate until after they have received approval from the Coordinating Board.

Paragraph (7) indicates the minimum allowable nonresident tuition rate, which is consistent with the minimum rate established in rule 21.2264(d), which is proposed for repeal.

Paragraph (8) indicates that institutions will continue to report the use of the alternate nonresident tuition rate as a waiver to min-

imize any potential impact on long-standing reporting requirements.

Paragraphs (9) through (11) allow students who were previously granted the alternate tuition rate to continue to receive the rate under subsection (f) if they may no longer qualify following adoption of the proposed rule. These subsections provide a "grandfathering" period through the 2029-2030 academic year, while institutions realign their practices with the new rule. The grandfathering period is established to minimize the financial impact of the rule change on current students, and it requires that the student stay continuously enrolled and that the institution continues to be approved for the alternate nonresident tuition rate.

Dr. Charles Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the increased clarity regarding the establishment of nonresident tuition rates to support greater consistency in the administration of these rates by institutions of higher education. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new section is proposed under Texas Education Code, Section 54.075, which provides the Coordinating Board with the authority to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B.

The proposed new section affects Texas Education Code, Sections 54.051 and 54.0601.

§13.122. Determination of Tuition Rate for Nonresident Students.

(a) Authorizing Statute. The Coordinating Board's responsibilities regarding tuition rates for nonresident students are authorized through Texas Education Code, §54.051, "Tuition Rates," and §54.0601, "Nonresident Tuition Rates at Certain Institutions," and the Coordinating Board is authorized to adopt rules by §54.075.

(b) The following words and terms, when used in this section, shall have meanings as defined in §2.383 of this title (relating to Definitions):

- (1) off-campus degree program;
- (2) off-campus educational site;
- (3) off-campus student;
- (4) on-campus student; and
- (5) parent institution.

(c) In accordance with Texas Education Code, §54.051(m), the tuition rates for nonresident students that are provided by the applicable provisions of Texas Education Code, chapters 51 and 54, will be applied to any student who does not demonstrate residency per chapter 21, subchapter B of this title (relating to Determination of Resident Status), regardless of the student's citizenship.

(d) Prior to January 1 of each calendar year in which the academic year begins, or as soon thereafter as is practicable, the Coordinating Board shall determine the minimum nonresident tuition rate per subsection (e) of this section, and report the rate to the appropriate institutions, pursuant to Texas Education Code, §51.051(d). This minimum rate generally applies to nonresident students enrolled in general academic teaching and health-related institutions, unless Texas law provides for a different rate to be applied to a particular program or student.

(e) The minimum nonresident tuition rate set per semester credit hour per subsection (d) of this section, is calculated as dictated by Texas Education Code, §54.051.

(f) Alternate Nonresident Tuition Rate. General academic teaching institutions, as defined by Texas Education Code, §61.003, "Definitions," are eligible to request an alternate nonresident tuition rate that is lower than otherwise calculated by subsection (d) of this section.

(1) A general academic teaching institution may request an alternate nonresident tuition rate if the primary physical address of the parent institution is located within a 100-mile radius of the boundary of Texas with another U.S. state. If approved, this nonresident tuition rate applies only to the institution's on-campus students but includes students taking courses at both the parent institution and its off-campus educational sites.

(2) A general academic teaching institution may request an alternate nonresident tuition rate if the primary physical address of an off-campus educational site offering at least one off-campus degree program is located within a 100-mile radius of the boundary of Texas with another U.S. state. If approved, this nonresident tuition rate applies only to the institution's off-campus students enrolled in an off-campus degree program offered at the approved off-campus educational site but includes students taking courses at both the parent institution and its off-campus educational sites.

(3) The nonresident tuition rate under this subsection may be applied only to nonresident students who would otherwise be

charged the minimum nonresident tuition rate or a multiplier of such rate. This includes undergraduate, graduate, law school, nursing and allied health profession, optometry, and undergraduate and graduate pharmacy students. It does not include M.D., D.O., D.D.S., or D.V.M. students.

(4) For an institution that charges a nonresident tuition rate under this subsection, the Coordinating Board may not include in a formula under Texas Education Code, §61.059, "Appropriations," funding based on the number of nonresident undergraduate students enrolled at the institution in excess of 10 percent of the total number of undergraduate students enrolled at the institution.

(5) In order to utilize a nonresident tuition rate under subsection (e) of this section, the governing board of the institution, or designee if permitted by law, must submit a written request to the Coordinating Board that includes:

(A) the proposed methodology for determining the nonresident tuition rate that the institution will use under this subsection;

(B) the academic year(s) within a legislative biennium for which the general academic teaching institution is requesting approval to use the non-resident tuition rate under this subsection;

(C) the primary physical address of the parent institution or off-campus educational site offering at least one off-campus degree program that is located within a 100-mile radius of the boundary of Texas with another state and at which the general academic teaching institution proposes to use the nonresident tuition rate under this subsection;

(D) the U.S. state or states, of which any portion is within a 135-mile radius of the parent institution or off-campus educational site provided under subparagraph (C) of this paragraph, to whose residents the institution proposes to apply the nonresident tuition rate under this subsection;

(E) an explanation of why offering a nonresident tuition rate under this subsection is in the best interest of the institution; and

(F) an explanation of why offering a nonresident tuition rate under this subsection will not cause unreasonable harm to any other institution of higher education, as defined by Texas Education Code, §61.003, "Definitions."

(6) The Commissioner shall review the requested tuition rate and determine if it is in the best interest of the institution and whether it would cause harm to any other institution. The Commissioner may deny or approve, in whole or in part, an institution's request, and will communicate his or her decision in writing to the requesting institution within thirty (30) calendar days of the Coordinating Board's receipt of the institution's request. To the extent approved by the Commissioner, the institution shall utilize the nonresident tuition rate under this subsection for residents of the eligible state or states included in the Commissioner's approval during the academic year(s) stated in the approval. Requests must be approved by the Commissioner prior to offering or publishing an alternate nonresident tuition rate to eligible students by the institution.

(7) The nonresident tuition rate approved for a general academic teaching institution by the Coordinating Board under this subsection may not be less than \$30 more than the resident tuition rate outlined in Texas Education Code, 54.051(c).

(8) The difference between the nonresident tuition rate set annually by the Coordinating Board, under subsection (c) of this section, and an alternate nonresident tuition rate approved under this subsection shall be reported by the institution as a waiver on relevant Coordinating Board data submissions.

(9) General academic teaching institutions who received Commissioner approval to offer a nonresident tuition rate under former §21.2264 of this title (relating to General Academic Teaching Institutions Located within 100 Miles of the Texas Border) for the 2024 - 2025 academic year prior to August 31, 2024, may continue to offer the approved nonresident tuition rate in the 2024 - 2025 academic year to individuals who qualified and established eligibility pursuant to §21.2264 as it existed prior to repeal.

(10) If an individual received a nonresident tuition rate under former §21.2264 prior to the 2025 - 2026 academic year that was approved by the Commissioner, and is no longer eligible to receive the nonresident tuition rate based on this subsection, then the institution may continue to offer the nonresident tuition rate based on this subsection to that individual if that individual remains continuously enrolled and the institution has Commissioner approval to offer the nonresident tuition rate under this subsection for the applicable academic year.

(11) Paragraph (10) of this subsection expires at the end of 2029 - 2030 academic year.

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

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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



CHAPTER 21. STUDENT SERVICES

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §21.2

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 21, Subchapter A, §21.2, concerning General Provisions. Specifically, this repeal will eliminate a duplicative rule.

Rule 21.2, Determination of Tuition Rate for Nonresident and Foreign Students, is repealed. The provisions of this rule have been incorporated into §13.122 (relating to Determination of Tuition Rate for Nonresident Students) in the new Chapter 13, Subchapter G, Tuition and Fees. Accordingly, this section is duplicative and can be eliminated without affecting Coordinating Board operations.

Dr. Charles Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the elimination of a duplicative rule. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 54.075, which provides the Coordinating Board with the authority to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B.

The proposed repeal affects Texas Education Code, Section 54.051.

§21.2. Determination of Tuition Rate for Nonresident and Foreign Students.

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

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Nichole Bunker-Henderson

General Counsel

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SUBCHAPTER SS. WAIVER PROGRAMS FOR CERTAIN NONRESIDENT PERSONS

19 TAC §21.2264

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 21, Subchapter SS, §21.2264, concerning Waiver Programs for Certain Nonresident Persons. Specifically, this repeal will eliminate a duplicative rule.

Rule 21.2264, General Academic Teaching Institutions Located within 100 Miles of the Texas Border, is repealed. The provisions of this rule have been incorporated into §13.122 (relating to Determination of Tuition Rate for Nonresident Students) in the new Chapter 13, Subchapter G, Tuition and Fees. Accordingly, this section is duplicative and can be eliminated without affecting Coordinating Board operations.

Dr. Charles Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the elimination of a duplicative rule. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 54.075, which provides the Coordinating Board with the authority to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B.

The proposed repeal affects Texas Education Code, Section 54.0601.

§21.2264. General Academic Teaching Institutions Located within 100 Miles of the Texas Border.

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

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



CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

SUBCHAPTER H. PROVISIONS FOR THE LICENSE PLATE INSIGNIA SCHOLARSHIP PROGRAM

19 TAC §§22.141, 22.143 - 22.147

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter H, §22.141 and §§22.143 - 22.147, concerning Provisions for the License Plate Insignia Scholarship Program. Specifically, this repeal will eliminate unnecessary rules and institutional reporting requirements.

Texas Transportation Code, §504.615, establishes the License Plate Insignia Scholarship Program, which allows for the transfer of funds collected by the Texas Department of Motor Vehicles from the purchase of institution-specific specialty license plates to Texas institutions of higher education to provide financial aid to students with need. Texas Administrative Code, Chapter 22, Subchapter H, includes rules related to institutional responsibilities, student eligibility for associated aid, and allocation and disbursement procedures. Upon review, the Coordinating Board has concluded that the necessary provisions for the agency or participating institutions to meet statutory obligations related to the program already exist in statute or elsewhere in the Coordinating Board's rules. Accordingly, repealing the rules in this subchapter will not affect Coordinating Board operations while advancing its interest in eliminating unnecessary institutional reporting requirements.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the elimination of unnecessary rules and institutional reporting requirements. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Transportation Code, Section 504.615, which establishes the License Plate Insignia Scholarship Program.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 22.

§22.141. *Authority and Purpose.*

§22.143. *Institutions.*

§22.144. *Eligible Students.*

§22.145. *Award Amounts and Uses.*

§22.146. *Allocations and Reallocations.*

§22.147. *Disbursements.*

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

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Nichole Bunker-Henderson

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Texas Higher Education Coordinating Board

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



SUBCHAPTER Q. TEXAS B-ON-TIME LOAN PROGRAM

19 TAC §22.342

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter Q, §22.342, concerning the Texas B-On-Time Loan Program. Specifically, this new section will govern the allocation and use of remaining funds in the Texas B-On-Time Student Loan Account after its abolition. The Coordinating Board is authorized to establish rules as necessary to administer the B-On-Time Student Loan Program under Texas Education Code (TEC), Section 56.0092.

Section 22.342, Appropriation of Funds from Former B-On-Time Student Loan Account, is proposed to establish the allocation methodology and approved uses of funds remaining in the B-On-Time Student Loan Account after its abolition on September 1, 2024, pursuant to Section 4.07 of Senate Bill 30, 88th Legislative Session. The methodology (which was originally agreed upon in a negotiated rulemaking proceeding following the creation of TEC, Section 56.0092, by House Bill 700, 84th Legislative Session but never adopted into rule) would allocate funds among institutions that participated in the B-On-Time Program during Fiscal Years 2007 and 2015 proportionately based on each institution's unused tuition set-asides (i.e., total program disbursements less total program set-asides) for the period. Institutions that disbursed more funds than were set aside during the period will not receive an allocation. Allocated funds must be used to increase the number of at-risk students who graduate from the institutions or the rate at which at-risk students graduate from the institution.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the allocation of funds in an expiring state account to support the success of at-risk students. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new section is proposed under Texas Education Code, Section 56.0092, which provides the Coordinating Board with the authority to establish rules as necessary to administer the B-On-Time Loan Program.

The proposed new section affects Texas Administrative Code, Title 19, Part 1, Chapter 22.

§22.342. Appropriation of Funds from Former B-On-Time Student Loan Account.

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings:

(1) At-Risk Student--An undergraduate student who has previously received a grant under the federal Pell Grant program, met the Expected Family Contribution (EFC) criterion for a grant under that program, or whose total score on the SAT or the ACT, excluding the optional essay test, is less than the national mean of students' scores on the applicable test.

(2) Eligible Institution--A general academic teaching institution described by Texas Education Code, §56.451(2)(A), or a medical and dental unit described by Texas Education Code §56.451(2)(B), as those paragraphs existed immediately before September 1, 2015.

(3) Total Disbursements--The total amount of tuition set-aside funds disbursed by an eligible institution to students for the B-On-Time Loan Program during Fiscal Years 2007 through 2015.

(4) Total Set-Asides--The total amount of tuition funds set aside by an eligible institution for the B-On-Time Loan Program during Fiscal Years 2007 through 2015.

(5) Unused Set-Asides--The amount of funds remaining after subtracting an eligible institution's total disbursements from its total set-asides. If an eligible institution's total disbursements are greater than its total set-asides, the institution's unused set-asides are considered to be zero.

(b) Allocation. After the abolition of the Texas B-On-Time Student Loan Account, the Coordinating Board may allocate any remaining money in the account to eligible institutions. Each eligible institution's proportion of the allocation shall be its unused set-asides divided by the sum of all eligible institutions' unused set-asides.

(c) Verification of Data. Allocation calculations will be shared with all eligible institutions for comment and verification prior to final posting, and the institutions will be given ten (10) working days, beginning the day of the notice's distribution and excluding State holidays, to confirm that the allocation report accurately reflects the B-On-Time disbursements for Fiscal Years 2007 through 2015 or to notify the Coordinating Board in writing of any inaccuracies.

(d) An eligible institution that receives an appropriation of money under this section may use the money only to support efforts to increase the number of at-risk students who graduate from the institution or the rate at which at-risk students graduate from the institution.

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

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SUBCHAPTER V. TEXAS SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS CHALLENGE SCHOLARSHIP PROGRAM

19 TAC §§22.570 - 22.577

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter V, §§22.570 - 22.577, concerning the Texas Science, Technology, Engineering, and Mathematics Challenge Scholarship Program. Specifically, this repeal will eliminate the entire subchapter, which is no longer necessary as the program is inoperative.

Texas Education Code, Section 61.9792, provides the Coordinating Board with the authority to adopt rules for the administration of the Texas Science, Technology, Engineering, and Mathematics Challenge Scholarship Program. The program has not been funded and thus has been inoperative for several biennia. Given the number of programs managed by the Coordinating Board and the agency's interest in informing the public accurately about its programmatic offerings, elimination of these rules will provide greater clarity to the public regarding the availability of student financial assistance.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be greater clarity regarding Coordinating Board operations by eliminating rules for an inoperative program. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 61.9792, which provides the Coordinating Board with the authority to administer the program.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 22.

§22.570. *Authority, Scope, and Purpose.*

§22.571. *Definitions.*

§22.572. *Institutions.*

§22.573. *Eligible Students.*

§22.574. *Request for Application by Eligible Institutions.*

§22.575. *Scholarship Application Process.*

§22.576. *Award Amounts.*

§22.577. *Reports.*

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

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Nichole Bunker-Henderson

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Texas Higher Education Coordinating Board

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



SUBCHAPTER BB. NURSING SHORTAGE REDUCTION PROGRAM RIDER 28 STUDY WORK GROUP

19 TAC §§22.751 - 22.757

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter BB, §§22.751 - 22.757, concerning the Nursing Shortage Reduction Program Rider 28 Study Work Group. Specifically, this repeal will eliminate the entire subchapter, which is no longer necessary as the study work group completed its function and is now inoperative.

The General Appropriations Act, HB 1, Article III-56, Section 28, Subsection g, 86th Texas Legislature, directed the Coordinating Board to establish the work group and provided authority to

adopt rules to govern its operations. The 24-member work group appointed by the Coordinating Board met six times in 2019 and 2020 and issued its final report in October 2020. Pursuant to rule §22.754 and in accordance with Texas Government Code, Chapter 2110, the work group was abolished thereafter. Accordingly, repeal of these rules will not affect agency operations while advancing the agency's interest in informing the public accurately regarding its programmatic offerings and activities.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the elimination of rules for a work group that has completed its function and is now inoperative. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 61.026, which provides the Coordinating Board with the authority to establish and adopt rules relating to advisory committees.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 22.

§22.751. *Authority and Specific Purpose of the Nursing Shortage Reduction Program Rider 28 Study Work Group.*

§22.752. *Definitions.*

§22.753. *Work Group Membership.*

§22.754. *Duration.*

§22.755. *Meetings.*

§22.756. *Tasks Assigned to the Work Group.*

§22.757. *Report to the Board; Evaluation of Work Group Costs and Effectiveness.*

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

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Nichole Bunker-Henderson

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Texas Higher Education Coordinating Board

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



CHAPTER 23. EDUCATION LOAN REPAYMENT PROGRAMS

SUBCHAPTER B. TEACH FOR TEXAS LOAN REPAYMENT ASSISTANCE PROGRAM

19 TAC §§23.31 - 23.36

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments and new section in Texas Administrative Code, Title 19, Part 1, Chapter 23, Subchapter B, §§23.31 - 23.36, concerning the Teach for Texas Loan Repayment Assistance Program. Specifically, the amendments and new section will align the subchapter with others in Chapter 23 regarding structure, form, and language; eliminate duplicative provisions; and clarify potential ambiguities in existing rules. The Coordinating Board is authorized to establish rules as necessary to administer the Teach for Texas Loan Repayment Assistance Program under Texas Education Code (TEC), Section 56.3575.

Rule 23.31 is amended to make conforming edits to the Authority subsection and include the full range of TEC sections related to the program. These changes will align language with similar provisions in other subchapters in Chapter 23.

Rule 23.32 is amended to add a clarifying definition for "public school" and to eliminate unnecessary definitions. The definition for "public school" is already the operational definition for the term and is included to further clarify that otherwise eligible teachers at both traditional public and public charter schools may participate in the program. The definition of "Board" is removed after being made duplicative by the inclusion of a definition for "Coordinating Board" in §23.1 (relating to Definitions) in the general provisions of this chapter. Provisions relating to the education loans of program applicants and participants similarly have been consolidated in §23.2 (relating to Eligible Lender and Eligible Education Loan) in the general provisions of this chapter, making the definition of "default" in this subchapter unnecessary.

Rule 23.33 is amended to make non-substantive edits to improve clarity and readability. The section is retitled to conform to a consistent rule structure and naming convention throughout Chapter 23. Reference to "individual" is changed to "applicant" to conform with usage in other subchapters in the chapter. Eligibility criteria are re-ordered for greater clarity, and the amended

rule clarifies that an applicant must have taught full-time for one service period in the last academic year. None of these amendments deviate from current Coordinating Board practice.

Rule 23.34 is amended to clarify the prioritization of eligible applicants when funds are insufficient to offer loan repayment assistance to all eligible applicants. The section is retitled to conform to a consistent rule structure and naming convention throughout Chapter 23. The new subsection (b) does not change current prioritization policy but reflects a few clarifying edits to explain potential ambiguities in the current rule language.

Rule 23.35 is created to establish provisions related to the amount of loan repayment assistance available under the program. The new provisions codify the Coordinating Board's current practice of setting the maximum amount of loan repayment assistance annually based on available funding and the number of eligible applicants.

Rule 23.36 is amended to eliminate rule language related to disbursement of loan repayment assistance funds, which now are unnecessary following the creation of §23.3 (relating to Method of Disbursement) in the general provisions of the Chapter 23. The section is retitled to more accurately reflect the section's purpose and to conform with the consistent rule structure and naming convention throughout the chapter. Paragraph (2) codifies the Coordinating Board's practice that the amount of loan repayment assistance may not exceed unpaid principal and interest on an eligible education loan(s). This language is being added to the rules for all Coordinating Board loan repayment assistance programs.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the establishment of rules that more clearly articulate Coordinating Board policy and better align with rules governing the Coordinating Board's other loan repayment assistance programs. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments and new section are proposed under Texas Education Code, Section 56.3575, which provides the Coordinating Board with the authority to adopt rules necessary for the administration of the Teach for Texas Loan Repayment Assistance Program.

The proposed amendments and new section affect Texas Administrative Code, Title 19, Part 1, Chapter 23.

§23.31. Authority and Purpose.

(a) Authority. Authority for this subchapter is provided in [the Chapter 56 of] the Texas Education Code, Chapter 56, Subchapter O, Teach for Texas Loan Repayment Assistance Program. These rules establish procedures to administer the subchapter as prescribed in the Texas Education Code, §§56.351 - 56.359 [§56.352].

(b) Purpose. The purpose of the Teach for Texas Loan Repayment Assistance Program is to recruit and retain classroom teachers in communities and subjects for which there is an acute shortage of teachers in Texas.

§23.32. Definitions.

In addition to the words and terms defined in §23.1 of this chapter (relating to Definitions), the [The] following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

~~[(1) Board--The Texas Higher Education Coordinating Board.]~~

(1) [(2)] Certified Educator--A person who has completed all requirements for a standard teaching certificate in the State of Texas. A person holding a probationary certificate, temporary classroom assignment permit, emergency permit, or a nonrenewable permit is not considered a certified educator. The term does not include a teacher's aide or a full-time administrator.

(2) Public School--A school in a Texas school district or a public charter school authorized to operate under Texas Education Code, Chapter 12.

~~[(3) Default--For purposes of this subchapter, a loan is considered in default if it is reduced to judgment.]~~

(3) [(4)] Service Period--A period of service of at least 9 months of a 12-month academic year.

(4) [(5)] Shortage Communities--Texas public schools identified annually by the Texas Commissioner of Education, or his/her designee, whose percentage of economically disadvantaged students is higher than the statewide average percentage of students receiving free or reduced cost lunches.

(5) [(6)] Shortage Teaching Fields--Subjects identified annually by the Texas Commissioner of Education, or his/her designee, as having a critical shortage of teachers.

(6) [(7)] Teaching full-time--Teaching at least four hours each day performing instructional duties as a full-time employee of a Texas public school district.

§23.33. *Applicant Eligibility [Eligible Teacher].*

To be eligible for loan repayment assistance, an applicant [individual] must:

[(1) be certified in a shortage teaching field; be currently teaching full time in that field at the time of application, and have taught in that field full time for at least one year at the preschool, primary, or secondary level in a Texas public school; or]

[(2) be a certified educator currently teaching in a shortage community full time at the time of application at the preschool, primary, or secondary level and have taught in that community full time for at least one year; and]

(1) [(3)] submit a completed application to the Coordinating Board by the stated deadline; and[.]

(2) be one of the following:

(A) a certified educator in a shortage teaching field, currently teaching full-time in that field at the time of the application, and have taught in that field full-time for one service period in the last academic year at the preschool, primary, or secondary level in a Texas public school; or

(B) a certified educator currently teaching full-time at the preschool, primary, or secondary level in a shortage community, and have taught in that community full-time for one service period in the last academic year.

§23.34. *Applicant Ranking Priorities [Priorities of Application Acceptance and Ranking of Applications].*

(a) [Renewal applications shall be given priority over first-time applications unless a break in service periods has occurred. Acceptance of initial applications will depend upon the availability of funds.] An application deadline will be established each year and published on the Coordinating Board's website. [Applications will be ranked according to the following criteria, in order of priority:]

[(1) Teaching in a shortage field while also teaching in a shortage community that has the most severe teacher shortages.]

[(2) Teaching any subject in a shortage community that has the most severe teacher shortages.]

[(3) Teaching in a shortage field while also teaching in a shortage community.]

[(4) Financial need based on the applicant's adjusted gross income as reported on the most recently filed federal income tax return.]

(b) If there are not sufficient funds to offer loan repayment assistance to all eligible applicants, applications shall be ranked by the following criteria, in order of priority:

(1) Renewal applications, unless a break in service periods has occurred;

(2) Teaching in a shortage teaching field while also teaching in a shortage community, prioritizing the communities based on the highest degree of shortage;

(3) Teaching any subject in a shortage community, prioritizing the communities based on the highest degree of shortage;

(4) Teaching in a shortage teaching field in a non-shortage community; and

(5) Financial need based on the applicant's adjusted gross income as reported on the most recently filed federal income tax return.

§23.35. *Amount of Loan Repayment Assistance.*

Taking into consideration the amount of available funding and the number of eligible applicants, the Commissioner shall determine annually the maximum loan repayment assistance amount offered under this subchapter.

§23.36. *Limitations [Repayment of Education Loans].*

In addition to the limitations associated with eligible education loans established in §23.2 of this chapter (relating to Eligible Lender and Eligible Education Loan), the following limitations apply to the Teach for Texas Loan Repayment Assistance Program. [Eligible education loans shall be repaid under the following conditions:]

[(1) the annual repayment(s) shall be in one disbursement made payable to the holder(s) of the loan(s) or co-payable to the teacher and the holder(s) of the loan(s);]

[(2) the Commissioner of Higher Education or his or her designee shall determine the maximum annual repayment amount in each fiscal year, taking into consideration the amount of available funding and the number of eligible applicants; and]

(1) [(3)] A [the] teacher shall not receive loan repayment assistance for more than five service periods [years].

(2) A teacher's loan repayment assistance amount may not exceed the unpaid principal and interest owed on one or more eligible education loans, as described in §23.2 of this chapter (relating to Eligible Lender and Eligible Education Loan).

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

Filed with the Office of the Secretary of State on July 12, 2024.

TRD-202403091

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: August 25, 2024

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



SUBCHAPTER B. TEACH FOR TEXAS LOAN REPAYMENT ASSISTANCE PROGRAM

19 TAC §23.35

The Texas Higher Education Coordinating Board (Coordinating Board) proposes repeal of Texas Administrative Code, Title 19, Part 1, Chapter 23, Subchapter B, §23.35, concerning the Teach for Texas Loan Repayment Assistance Program. Specifically, this repeal will eliminate a duplicative provision. The Coordinating Board is authorized to adopt rules as necessary to administer the program by Texas Education Code (TEC) §56.3575.

Rule 23.35 is repealed. The provisions of this rule have been incorporated into rule §23.2 (relating to Eligible Lender and Eligible Education Loan) in the general provisions of this chapter. Accordingly, this section is duplicative and can be eliminated without affecting Coordinating Board operations.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the

first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the improved rule clarity by eliminating a duplicative provision. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 56.3575, which provides the Coordinating Board with the authority to adopt rules as necessary to administer the Teach for Texas Loan Repayment Assistance Program.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 23.

§23.35. *Eligible Lender and Eligible Education Loan.*

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

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: August 25, 2024

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



SUBCHAPTER C. [THE] PHYSICIAN EDUCATION LOAN REPAYMENT ASSISTANCE PROGRAM

19 TAC §§23.62, 23.65 - 23.68, 23.70, 23.71

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 23, Subchapter C, §§23.62, 23.65 - 23.68, 23.70, and 23.71, concerning the Physician Education Loan Repayment Assistance Program. Specifically, this amendment will align the subchapter with others in Chapter 23 regarding structure, form, and language; eliminate duplicative provisions; and clarify potential ambiguities in existing rules.

The Coordinating Board is authorized to establish rules as necessary to administer The Physician Education Loan Repayment Program under Texas Education Code (TEC), Section 61.537.

The subchapter is retitled to conform with the titles of the other subchapters in Chapter 23. Conforming changes to the program title are made throughout the subchapter, specifically in rules 23.62 and 23.71.

Rule 23.62 is amended to make nonsubstantive changes. The appropriate TEC chapter is added to the Authority section to conform with the structure of similar provisions in other subchapters.

Rule 23.65 is amended to eliminate unnecessary definitions and make nonsubstantive, clarifying changes to others. After the creation of a definition for "Coordinating Board" in §23.1 (relating to Definitions) in the general provisions for this chapter, the definition of "Board" in §23.65 is redundant, with all references to "Board" throughout the subchapter changed to "Coordinating Board." Definitions for "CHIP" and "Federally Qualified Health Center" are eliminated due to being used only once throughout the subchapter, and so have been incorporated contextually when they appear. No proposed changes to this rule will affect administration of the program.

Rule 23.66 is amended to simplify program eligibility rules so they more clearly reflect Coordinating Board practice. The rule is retitled to conform to a consistent rule structure and naming convention throughout Chapter 23. Historically, eligibility for this program has been a two-step process, with applicants establishing initial eligibility for the program - prompting the Coordinating Board to encumber funds - and then, after completing a service period, becoming eligible for disbursement of those funds. These processes have since been combined, with applicants establishing eligibility after their first service period. Accordingly, the existing subsections (a) and (b), which related to these separate stages, have been combined. Further edits are made to clarify certain eligibility criteria, but the proposed rule changes will not change existing program requirements.

Rule 23.67 is amended to clarify how the Coordinating Board prioritizes disbursement in the event that available funds are insufficient to offer loan repayment assistance to all eligible applicants. The rule is retitled to conform to a consistent rule structure and naming convention throughout Chapter 23. The proposed changes are not intended to reflect a change in Coordinating Board policy; rather, they are proposed to improve the readability and clarity of the rule. Proposed changes clarify that previously used "highest degree of shortage" language associated with health professional shortage areas (HPSA) is established via the HPSA score of 1 to 25, with higher scores reflecting greater shortage. Subparagraph (3)(B) is clarified to estab-

lish that a "rural county" is a county with a population of less than 50,000 persons, which aligns with the Coordinating Board's operational definitions for rural HPSA in this program and "rural county" in other loan repayment programs.

Rule 23.68 is amended to make nonsubstantive edits to provisions related to physicians who establish eligibility for the program based on services to Medicaid or Texas Women's Health Program enrollees. Language in subsection (a) related to a written statement of intent to provide services is eliminated to align with the consolidation of the two-step eligibility process in §23.66. Changes to subsection (b) add detail to current practice related to the Coordinating Board's receipt of Medicaid HMO encounter data from the Health and Human Services Commission.

Rule 23.70 is amended to eliminate outdated provisions related to maximum loan repayment assistance amounts. Existing subsection (a) is eliminated; these provisions related only to individuals who established eligibility for the program before September 1, 2019. Because program eligibility is contingent on consecutive service periods, these provisions are no longer operative and can be eliminated. Conforming changes are made throughout the rule.

Rule 23.71 is amended to eliminate unnecessary provisions or potential ambiguities in the program's limitations. Former subsection (b), as with the provisions in §23.70, is outdated and can be eliminated without effect. Former subsection (d) simply restates the placement of physicians who qualify for the program via service to Medicaid or Texas Women's Health Program enrollees in the prioritization established in §23.67 and is therefore redundant. Existing subsection (e) is restated as paragraph (3) and clarifies current practice: Good cause for failing to meet program requirements can prevent removal from the program but not non-payment for the service period(s) in question. Subsection (f) was made redundant by the creation of §23.2 (relating to Eligible Lender and Eligible Education Loan) in the general provisions of Chapter 23, and so can be eliminated without effect.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the establishment of rules that more clearly articulate Coordinating Board policy and better align with rules governing the Coordinating Board's other loan repayment assistance programs. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 61.537, which provides the Coordinating Board with the authority to adopt rules as necessary to administer the Physician Education Loan Repayment Assistance Program.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 23.

§23.62. Authority And Purpose.

(a) Authority. Authority for this subchapter is provided in the Texas Education Code, Chapter 61, Subchapter J, Repayment of Certain Physician Education Loans. These rules establish procedures to administer the subchapter as prescribed in the Texas Education Code, §§61.531 - 61.540.

(b) Purpose. The primary purpose of the Physician Education Loan Repayment Assistance Program is to encourage qualified physicians to practice medicine in a health professional shortage area designated by the U. S. Department of Health and Human Services, and provide health care services to recipients under the medical assistance program authorized by the Texas Human Resources Code, Chapter 32, and to enrollees under the child health plan program authorized by the Texas Health and Safety Code, Chapter 62.

§23.65. Definitions.

In addition to the words and terms defined in §23.1 of this chapter (relating to Definitions), the [The] following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

~~[(1) Board--The Texas Higher Education Coordinating Board.]~~

~~[(2) CHIP--The Children's Health Insurance Program; authorized by the Texas Health and Safety Code, Chapter 62.]~~

~~[(3) DSHS--The Texas Department of State Health Services.]~~

~~[(4) Federally Qualified Health Center--Any entity in Texas defined under 42 USC §1396d (1)(2)(B).]~~

~~[(5) Full-time Service--An average of at least thirty-two [32] hours of direct patient care per week during the service period at the practice site.~~

~~[(6) HPSAs--Health Professional Shortage Areas (HP-SAs) are designated by the U. S. Department of Health and Human~~

Services (HHS) as having shortages of primary medical care, dental or mental health providers and may be geographic (a county or service area), demographic (low income population) or institutional (comprehensive health center, federally qualified health center, as defined under 42 USC §1396d (l)(2)(B), or other public facility). Designations meet the requirements of Sec. 332 of the Public Health Service Act, 90 Stat. 2270-2272 (42 U.S.C. 254e). [Texas HPSAs are recommended for designation by HHS based on analysis of data by DSHS.]

(3) [(7)] Medicaid--The medical assistance program authorized by Chapter 32, Human Resources Code.

(4) [(8)] NPI--National Provider Identifier; the Health Insurance Portability and Accountability Act (HIPAA) Administrative Simplification Standard unique identification number for covered health care providers. Covered health care providers and all health plans and health care clearinghouses must use the NPIs in the administrative and financial transactions adopted under HIPAA.

(5) [(9)] Primary Care Physician--Physicians practicing family medicine, family practice, general practice, obstetrics/gynecology, general internal medicine, general pediatrics, combined internal medicine and pediatrics (medicine-pediatrics) in an outpatient setting, psychiatry, or geriatrics. With the exception of psychiatrists and geriatricians, physicians must provide services in an outpatient setting to be considered primary care.

(6) [(10)] Program--The Physician Education Loan Repayment Assistance Program.

(7) [(11)] Rural HPSA--A HPSA-designated whole county with a [whose] population of [is] less than 50,000 persons or a HPSA-designated facility or population group located in a county with a [whose] population of [is] less than 50,000 persons.

(8) [(12)] Service Period--A period of twelve [12] consecutive months qualifying a physician for loan repayment.

(9) [(13)] Texas Women's Health Program--The program authorized by Health and Safety Code, §31.002(a)(4)(C) and (H), §31.003, and §31.004, which provides primary health care services, including family planning services and health screenings, at no cost to eligible low-income women; administered by the Texas Health and Human Services Commission.

(10) [(14)] TMHP--Texas Medicaid and Healthcare Partnership; the entity that administers Texas Medicaid and other state health-care programs on behalf of the Texas Health and Human Services Commission.

(11) [(15)] TPI--Texas Provider Identifier; the number Managed Care Medicaid Providers must use when filing claims with the Texas Medicaid and Healthcare Partnership (TMHP), for payment of services rendered.

§23.66. *Applicant Eligibility.*

[(a)] To be eligible for loan repayment assistance, [the Board to reserve loan repayment funds,] an applicant [a physician] must:

(1) submit a [ensure that the Board or its designee has received the] completed application to the Coordinating Board by the established deadline, which will be posted on the program web page;

(2) be a U.S. citizen or a Legal Permanent Resident; [and, at the time of application, hold a Full Physician License from the Texas Medical Board, with no restriction;]

(3) at the time of application, hold a Full Physician License from the Texas Medical Board, with no restrictions;

(4) [(3)] not be in postgraduate training, including fellowship;

[(4) not be currently fulfilling another obligation to provide medical services as part of a scholarship agreement, a student loan agreement, or another student loan repayment agreement;]

[(5) at the time of the initial application, if the physician has not earned and maintained board certification, be eligible to take the exam for board certification from:]

[(A) an American Specialty Board that is a member of the American Board of Medical Specialties or the Bureau of Osteopathic Specialists in a primary care specialty; or]

[(B) an American Specialty Board that is a member of the American Board of Medical Specialties or the Bureau of Osteopathic Specialists.];

[(6) in the case of physicians qualifying on the basis of practice in a HPSA, agree to provide four consecutive service periods in a HPSA.];

[(b)] [To be eligible to receive loan repayment assistance, a physician must:]

(5) [(4)] have completed one, two, three, or four consecutive service periods in a:

(A) HPSA, serving persons who are:

(i) enrolled in Medicaid or the Children's Health Insurance Program [CHIP] or both;

(ii) uninsured; and

(iii) enrolled in Medicare, except in the case of pediatricians.

(B) secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or its successor or in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice or its successor, or

(C) location other than a HPSA, if the physician practices primary (outpatient) care and during the service period has provided health care services to a designated number of Medicaid or Texas Women's Health Program enrollees, established in the Board's Memorandum of Understanding with the Texas Health and Human Services Commission and posted on the program web page; [-]

(6) for loan repayment assistance based on the first service period, if the applicant has not earned and maintained board certification, be eligible to take the exam for board certification from an American Specialty Board that is a member of the American Board of Medical Specialties or the Bureau of Osteopathic Specialists; and

(7) [(2)] for loan repayment based on the fourth service period, have earned certification from an American Specialty Board that is a member of the American Board of Medical Specialties or the Bureau of Osteopathic Specialists [in a primary care specialty, or in a specialty other than primary care if the practice is located in a HPSA].

§23.67. *Applicant [Application] Ranking Priorities [Criteria].*

(a) Application deadlines will be established throughout the fiscal year and will be posted on the program web page. [Primary care physicians practicing in HPSAs whose initial applications have been approved are considered to be enrolled in the program. Applications from all other physicians are considered annually. If there are not sufficient funds to offer loan repayment assistance for all eligible physicians

whose applications are received by the stated deadline, applications shall be ranked according to the following criteria, in priority order:]

(b) If there are not sufficient funds to offer loan repayment assistance for all eligible physicians whose applications are received by the stated deadline, applications shall be ranked according to the following criteria, in priority order:

(1) the first ten applications received each year from eligible physicians serving persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or its successor or persons confined to a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice or its successor;

(2) [(4)] applications from physicians practicing in HPSAs, in the following priority order:

(A) renewal applications from primary care physicians practicing in HPSAs;

(B) applications from primary care physicians practicing in rural HPSAs, prioritizing higher HPSA scores;

(C) applications from primary care physicians practicing in non-rural HPSAs, prioritizing higher HPSA scores [areas whose HPSA scores reflect the highest degrees of shortage];

(D) [(2)] renewal applications from non-primary care physicians practicing in HPSAs;

(E) [(3)] [initial] applications from non-primary care physicians practicing in rural HPSAs, prioritizing higher HPSA scores;

(F) applications from non-primary care physicians practicing in non-rural HPSAs, prioritizing higher HPSA scores;

[(b)] [the first ten applications received each year from eligible physicians serving persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or its successor or persons confined to a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice or its successor];

(3) [(e)] applications from primary care physicians who have provided outpatient health care services to a designated number of Medicaid or Texas Women's Health Program enrollees, as established annually by methods outlined in the Coordinating Board's Memorandum of Understanding with the Texas Health and Human Services Commission, in the following order of priority:

(A) [(1)] renewal applications;

(B) [(2)] applications from physicians practicing in a [rural] county with a population of less than 50,000 persons;

(C) [(3)] applications from geriatricians;

(D) [(4)] applications from physicians having the greatest amount of student loan debt.

§23.68. Applications Based on Services to Medicaid or Texas Women's Health Program Enrollees.

(a) The Coordinating Board [board] may hold an application for consideration until the end of the fiscal year if funds are available [; upon receipt of a physician's written statement of intent to provide the required Medicaid or Texas Women's Health Program service levels during the anticipated year of service].

(b) The source of data to be used in determining required service levels will be Medicaid HMO encounter data provided by the Health and Human Services Commission.

(c) The method for determining required service levels will be stated in the Coordinating Board's [board's] Memorandum of Understanding with the Texas Health and Human Services Commission. Required service levels will be based on the Medicaid Managed Care client counts statewide for each eligible primary care specialty, including obstetrics/gynecology and geriatrics, over a period of one year, thus taking into account variations among these specialties in the number of unduplicated clients.

(d) Any physician applying for loan repayment assistance on the basis of services to Medicaid or Texas Women's Health Program enrollees must use his/her own TPI or NPI and must be the rendering physician for claims/encounters submitted to Texas Medicaid Health Partner (TMHP).

(e) If the administrative data provided by TMHP for the physician's TPI or NPI do not confirm that the physician met the required service levels during the year of service following the application date, the physician must submit a Claims Affidavit and specified data from the clinic's internal billing system, in the format requested by the Coordinating Board [board] for review by the HHSC, to receive further consideration for loan repayment assistance.

§23.70. Amount of Repayment Assistance.

[(a)] A physician who first established eligibility for the program based on an application submitted before September 1, 2019, and whose total student loan indebtedness is at least \$160,000 may receive repayment assistance based on full-time service for the following amounts:]

[(1)] for the first service period, \$25,000;]

[(2)] for the second service period, \$35,000;]

[(3)] for the third service period, \$45,000;]

[(4)] for the fourth service period, \$55,000.]

[(b)] If a physician first established eligibility for the program based on an application submitted before September 1, 2019, with total student loan indebtedness less than \$160,000, the annual loan repayment amounts based on full-time service will be the amounts required to repay the indebtedness over a period of four years, with annual increases that are proportional to the annual increases for physicians whose student loan indebtedness is at least \$160,000.]

(a) [(e)] A physician [who first established eligibility for the program based on an application submitted on or after September 1, 2019, and] whose total student-loan indebtedness is at least \$180,000 when the physician first establishes eligibility for the program [;] may receive loan repayment assistance based on full-time service for the following amounts:

(1) for the first service period, \$30,000;

(2) for the second service period, \$40,000;

(3) for the third service period, \$50,000;

(4) for the fourth service period, \$60,000.

(b) [(d)] A [If a] physician whose [first established eligibility for the program based on an application submitted on or after September 1, 2019, with] total student-loan indebtedness is less than \$180,000 when the physician first establishes eligibility for the program may receive loan repayment assistance [; the annual loan repayment amounts] based on full-time service for [will be] the amounts required to repay the indebtedness over a period of four years, with annual increases that are proportional to the annual increases for physicians whose student loan indebtedness is at least \$180,000.

(c) [(e)] A physician may receive prorated loan repayment assistance based on the percentage of full-time service provided for each service period, if providing direct patient care for a minimum of 20 hours per week for each service period.

§23.71. *Limitations.*

In addition to the limitations associated with eligible education loans established in §23.2 of this chapter (relating to Eligible Lender and Eligible Education Loan), the following limitations apply to the Physician Education Loan Repayment Assistance Program:

(1) [(a)] Repayment assistance to a physician is limited to four service periods [of service].

[(b)] The total amounts of repayment assistance to a physician who first established eligibility for the program based on an application submitted before September 1, 2019, is limited to \$160,000.]

(2) [(e)] The total amount of repayment assistance to a physician [who first established eligibility for the program based on an application submitted on or after September 1, 2019,] is limited to \$180,000 and may not exceed the unpaid principal and interest owed on one or more eligible education loans, as described in rule §23.2 of this chapter.

(3) Failure to meet the program requirements will result in non-payment for the applicable service period(s) and, except under circumstances determined by the Coordinating Board to constitute good cause, removal from the program.

[(d)] Applications from physicians who establish eligibility under §21.255(b)(1)(C) of this title (relating to Eligibility) will be considered only if funds are available after financial commitments for the fiscal year have been made to physicians practicing in HPSAs and secure correctional facilities.]

[(e)] Except under circumstances determined by the Board and DSHS to constitute good cause, failure to meet the program requirements will result in non-payment for that service period and removal from the program. Additionally, providers who do not meet the requirements will be ineligible to apply for other loan repayment programs in Texas. Physicians practicing in HPSAs will be released from the agreement to provide four years of eligible service for any year for which loan repayment funds are not available.]

[(f)] A physician may not receive loan repayment assistance under both Texas Education Code, §61.531 and any other loan repayment program, including Texas Government Code, §510.156 relating to funds appropriated for purposes of correctional managed health care, or repayment assistance provided by the physician's employer while the physician is participating in the program.]

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

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



SUBCHAPTER C. THE PHYSICIAN
EDUCATION LOAN REPAYMENT PROGRAM

19 TAC §§23.63, 23.64, 23.69, 23.72, 23.73

The Texas Higher Education Coordinating Board (Coordinating Board) proposes repeal of Texas Administrative Code, Title 19, Part 1, Chapter 23, Subchapter C, §§23.63, 23.64, 23.69, 23.72, and 23.73, concerning The Physician Education Loan Repayment Program. Specifically, this repeal will eliminate rules that have been determined to be unnecessary to the Coordinating Board's operations or duplicative with the General Provisions adopted in Chapter 23, Subchapter A, in July 2024.

The Coordinating Board is authorized to adopt rules as necessary for the administration of the program by Texas Education Code (TEC), Section 61.537.

Rule 23.63 is repealed. The rule's primary purpose is to authorize the Coordinating Board to enter into a memorandum of understanding with the Department of State Health Services. This provision is unnecessary to the administration of the program, and its elimination will not affect Coordinating Board operations.

Rule 23.64 is repealed. The rule directs the Coordinating Board to disseminate information about the program to interested parties, including health-related institutions of higher education, appropriate state agencies, interested professional associations and the public. Outreach to relevant stakeholders is crucial for the success of this and similar programs, but the inclusion of this rule is unnecessary to the administration of the program. Its elimination will not affect Coordinating Board operations.

Rule 23.69 is repealed. The provisions of this rule have been incorporated into rule §23.2 (relating to Eligible Lender and Eligible Education Loan) in the general provisions of this chapter. Accordingly, this section is duplicative and can be eliminated without affecting Coordinating Board operations.

Rule 23.72 is repealed. The provisions of this rule have been incorporated into rule §23.3 (relating to Method of Disbursement) in the general provisions of this chapter. Accordingly, this section is duplicative and can be eliminated without affecting Coordinating Board operations.

Rule 23.73 is repealed. The reporting and data collection requirements contained within the rule relate to the Coordinating Board's compliance with an appropriations rider related to the program, most recently Rider 51 (page III-67) within the Coordinating Board's section of the General Appropriations Act (H.B. 1), 88th Texas Legislature, Regular Session. The Coordinating Board has determined that it can continue to meet the requirements of this rider without the rule, which is otherwise unnecessary to the administration of the program. Its elimination will not affect Coordinating Board operations.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each

year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the improved clarity and consistency by eliminating unnecessary or duplicative provisions. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 61.537, which provides the Coordinating Board with the authority to adopt rules as necessary for the administration of The Physician Education Loan Repayment Program.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 23.

§23.63. *Administration.*

§23.64. *Dissemination of Information.*

§23.69. *Eligible Lender and Eligible Education Loan.*

§23.72. *Disbursement of Loan Repayment Assistance.*

§23.73. *Reporting and Data Collection.*

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

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Nichole Bunker-Henderson

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SUBCHAPTER D. LOAN REPAYMENT PROGRAM FOR MENTAL HEALTH PROFESSIONALS

19 TAC §§23.95, 23.98, 23.99, 23.101

The Texas Higher Education Coordinating Board (Coordinating Board) proposes repeal of Texas Administrative Code, Title 19, Part 1, Chapter 23, Subchapter D, §§23.95, 23.98, 23.99, and 23.101, concerning the Loan Repayment Program for Mental Health Professionals. Specifically, this repeal will consolidate provisions into other rules to better reflect Coordinating Board practices or eliminate rules that are duplicative with the General Provisions adopted in Chapter 23, Subchapter A, in July 2024.

The Coordinating Board is authorized to adopt rules as necessary for the administration of the program by Texas Education Code (TEC), Section 61.608.

Rule 23.95 is repealed. The eligible practice specialties delineated in this section will be incorporated into rule §23.96 (relating to Applicant Eligibility).

Rule 23.98 is repealed. Historically, eligibility for this program has been a two-step process, with applicants establishing initial eligibility for the program and then, after completing a service period, becoming eligible for disbursement of funds. These processes have since been combined, with applicants establishing eligibility after their first service period. Accordingly, the relevant provisions of this rule will be incorporated into rule §23.96 (related to Applicant Eligibility), and this section can be repealed without effect.

Rule 23.99 is repealed. The provisions of this rule have been incorporated into rule §23.2 (relating to Eligible Lender and Eligible Education Loan) in the general provisions of this chapter. Accordingly, this section is duplicative and can be eliminated without affecting Coordinating Board operations.

Rule 23.101 is repealed. The rule directs the Coordinating Board to disseminate information about the program to interested parties, including institutions of higher education, appropriate state agencies, and interested professional associations. Outreach to relevant stakeholders is crucial for the success of this and similar programs, but the Coordinating Board has determined that it can continue to accomplish this task without the rule, which is otherwise unnecessary for the administration of the program. Its elimination will not affect Coordinating Board operations.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be improved rule clarity and consistency and eliminating unnecessary or duplicative provisions. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;

- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 61.608, which provides the Coordinating Board with the authority to adopt rules as necessary to administer the Loan Repayment Program for Mental Health Professionals.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 23.

§23.95. *Eligible Practice Specialties.*

§23.98. *Eligibility for Disbursement of Loan Repayment Assistance.*

§23.99. *Eligible Lender and Eligible Education Loan.*

§23.101. *Dissemination of Information.*

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

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SUBCHAPTER H. PEACE OFFICER LOAN REPAYMENT ASSISTANCE PROGRAM

19 TAC §§23.209 - 23.212, 23.215, 23.216

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments and new rules in Texas Administrative Code, Title 19, Part 1, Chapter 23, Subchapter H, §§23.209 - 23.212, 23.215, and 23.216, concerning the Peace Officer Loan Repayment Assistance Program. Specifically, this amendment will align the subchapter with others in Chapter 23 regarding structure, form, and language; eliminate duplicative provisions; and clarify potential ambiguities in existing rules. The new section will consolidate program limitations into a single rule.

The Coordinating Board is authorized to establish rules as necessary to administer the Peace Officer Loan Repayment Program under Texas Education Code (TEC), Section 61.9959.

Rule 23.209 is amended to make nonsubstantive changes to the program's purpose statement. Because eligibility for the program is established after the first service period, the statement is rephrased to "maintain" - rather than "agree to continued" - employment, and the phrase "for a specified period" is removed because program eligibility is not tied to a specific number of consecutive periods of service.

Rule 23.210 is amended to eliminate two unnecessary definitions and make one clarifying edit to an existing definition. After the creation of a definition for "Coordinating Board" in §23.1 (relating to Definitions) in the general provisions for this chapter, the definition of "Board" in §23.210 is redundant, with all references to "Board" throughout the subchapter changed to "Coordinating Board." The term "full-time" is used only once in the substantive portions of the subchapter, and so the definition has been incorporated contextually when it appears. The definition for "eligible institution" is clarified to use the full term, "institution of higher education" in reference to both public and private institutions to more closely reflect the statutory definition referenced in rule. The substance of the definition is unchanged.

Rule 23.211 is amended to clarify program eligibility rules so they more clearly reflect Coordinating Board practice. To align with other subchapters in Chapter 23, participants in the program are referred to as "applicants" before establishing eligibility and by their profession thereafter - in this case, "peace officers." Employer verification, currently included as an element of the submitted application in subparagraph (2)(A), is moved to paragraph (3), reflecting that it is a distinct part of the eligibility process and not part of the application itself. The new subparagraph (2)(B) consolidates renewal applications - previously located in repealed §23.213(b) (relating to Eligibility for Disbursement of Loan Repayment Assistance) into the overall eligibility section. The required statements in existing subparagraphs (2)(E) and (F) reflect an outdated version of the application submitted to the Coordinating Board for this program and are eliminated to reflect current practice and better align to the statutory requirements for eligibility.

Rule 23.212 is amended to clarify how the Coordinating Board prioritizes disbursement in the event that available funds are insufficient to offer loan repayment assistance to all eligible applicants. Existing subsections (b) and (c) are consolidated and rewritten for clarity; the substance of these provisions is unchanged.

Rule 23.215 is amended to relocate provisions to the new §23.216 (relating to provisions) and make nonsubstantive edits.

Rule 23.216 is created to consolidate program limitations previously included in §23.215 (related to Amount of Repayment Assistance). Paragraph (2) is the reconstituted §23.215(b) but is modified slightly by codifying the Coordinating Board's current practice that loan repayment assistance amounts may never exceed unpaid principal and interest owed on eligible education loans.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be establishing rules that more clearly articulate Coordinating Board policy and better align with rules governing the Coordinating Board's other loan repayment assistance programs. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments and new section are proposed under Texas Education Code, Section 61.9959, which provides the Coordinating Board with the authority to adopt rules as necessary to administer the Peace Officer Loan Repayment Assistance Program.

The proposed amendments and new section affect Texas Administrative Code, Title 19, Part 1, Chapter 23.

§23.209. Authority and Purpose.

(a) Authority. Authority for this subchapter is provided in the Texas Education Code, chapter [Chapter] 61, subchapter [Subchapter] NN, Peace Officer Loan Repayment Assistance Program. These rules establish procedures to administer the subchapter as prescribed in Texas Education Code, §§61.9951 - 61.9959.

(b) Purpose. The primary purpose of the Peace Officer Loan Repayment Assistance Program is to provide assistance with the repayment of eligible student loans for qualifying peace officers who maintain [agree to continued] full-time employment in Texas as peace officers [for a specified period].

§23.210. Definitions.

In addition to the words and terms defined in §23.1 of this chapter (relating to Definitions), the [The] following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

~~(1) Board--The Texas Higher Education Coordinating Board.~~

~~(1) [(2)] Eligible Institution--A Texas public institution of higher education or private or independent institution of higher education, as defined in the Texas Education Code, §61.003.~~

~~[(3) Full-time--Employed full-time (at least 40 hours per week for a minimum of 45 weeks per year) as an eligible peace officer.]~~

~~(2) [(4)] Peace Officer--The meaning assigned by Article 2.12, Texas Code of Criminal Procedure.~~

~~(3) [(5)] Program--Peace Officer Loan Repayment Assistance Program.~~

~~(4) [(6)] Service Period--A period of twelve [12] consecutive months qualifying a peace officer for loan repayment assistance.~~

§23.211. Applicant [Initial] Eligibility.

To be eligible to receive [for the Board to approve an initial application for enrollment in the program and for] loan repayment assistance funds, an applicant [a peace officer] must:

(1) have been initially appointed as a peace officer on or after September 1, 2019;

(2) submit to the Coordinating Board by the published deadline:

~~[(2)] [submit to the Board by the published deadline an initial application for enrollment in the program that requires:]~~

~~(A) an initial application for enrollment in the program that requires:~~

~~[(A)] [employer verification of the person's employment as a full-time peace officer in Texas for at least one year and the person's current full-time employment in Texas as of the date of the application;]~~

~~(i) [(B)] documentation of the applicant's [peace officer's] unrestricted license as a peace officer;~~

~~(ii) [(C)] a transcript of the applicant's [person's] postsecondary course work demonstrating at least 60 semester credit hours, or the equivalent, earned at an eligible institution before the person's initial appointment as a peace officer; and~~

~~(iii) [(D)] a statement of the total amount of principal, accrued interest, fees, and other charges due on unpaid eligible education loans, as defined by §23.2 of this chapter (relating to Eligible Lender and Eligible Education Loan), obtained for attendance at an eligible institution for a semester or other term that ended in the five years immediately preceding the applicant's [person's] initial appointment as a peace officer; or~~

~~(B) for applicants who have received loan repayment assistance for at least one service period, a completed end-of-service period application for payment; and~~

~~(3) be verified by the applicant's employer as having been employed for at least one service period, and as currently employed, as a full-time (at least forty hours per week for a minimum of forty-five weeks per year) peace officer in Texas as of the date of the application.~~

~~[(E) a statement that the peace officer will submit to the Board an application for payment immediately upon completion of each year of service for which the peace officer is applying for repayment assistance; and]~~

~~[(F) a statement that the individual agrees to continuous full-time employment as a peace officer in this state for four additional consecutive years after the date of the initial application.]~~

§23.212. Applicant Ranking Priorities [Selection of Eligible Applicants].

(a) Each fiscal year an application deadline will be posted on the program web page.

(b) If there are not sufficient funds to offer loan repayment assistance to all eligible applicants, applications shall be ranked by the following criteria, in order of priority:

(1) renewal applications, unless a break in service period has occurred; and

(2) all other applications, based on the date of submission.

~~[(b) In the initial year of the program, applications will be selected on a first-come-first-served basis until funds are no longer available.]~~

~~[(c) After the initial program year, priority will be given to prior year recipients, and initial applications will be selected on a first-come-first-served basis until funds are no longer available.]~~

§23.215. Amount of Repayment Assistance.

~~[(a) Loan repayment awards will be disbursed directly to lenders on behalf of eligible peace officers.]~~

~~[(b) The maximum amount of loan repayment assistance that a peace officer may receive over a period of five consecutive years is \$20,000.]~~

~~[(c) [(e)] The annual amount of loan repayment assistance that a peace officer may receive for each service period is the lesser of \$4,000 or 20 percent of the total unpaid eligible education loan balance verified at the time of the initial application, unless the payoff period for the peace officer's [person's] total unpaid eligible loan balance is fewer than five years.~~

~~[(d) If the payoff period for the peace officer's [person's] total unpaid eligible loan balance is fewer than five years, the loan repayment assistance [award] amount will be the total amount of the scheduled payments due to the holder(s) of the eligible loans for the applicable year.~~

~~[(e) Loan repayment assistance grants [awards] are contingent on available funding. If in any year the amount of money available for loan repayment assistance is insufficient to offer [award] the maximum annual loan repayment assistance [award] amount to all eligible applicants, the Coordinating Board may reduce award amounts to assist a greater number of peace officers.~~

§23.216. Limitations.

In addition to the limitations associated with eligible education loans established in §23.2 of this chapter (relating to Eligible Lender and Eligible Education Loan), the following limitations apply to the Peace Officer Loan Repayment Assistance Program.

(1) A peace officer may not receive loan repayment assistance through the program for more than five service periods.

(2) The maximum amount of loan repayment assistance that a peace officer may receive through this program is \$20,000 and may not exceed the unpaid principal and interest owed on one or more eligible education loans, as defined in §23.2 of this chapter.

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

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Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

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



19 TAC §§23.213, 23.214, 23.216

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 23, Subchapter H, §§23.213, 23.214, and 23.216, concerning the Peace Officer Loan Repayment Assistance Program. Specifically, this repeal will eliminate rules that have been determined to be unnecessary to the Coordinating Board's operations or duplicative of the General Provisions adopted in Chapter 23, Subchapter A, in July 2024.

The Coordinating Board is authorized to adopt rules as necessary for the administration of the program by Texas Education Code (TEC), §61.9959.

Rule 23.213 is repealed. The provisions contained within this section will be consolidated into other rules to allow the structure of this subchapter to align with others in Chapter 23. Specifically, subsection (a) will be moved to new rule §23.216 (relating to Limitations), and subsection (b) will be moved to rule §23.211 (relating to Applicant Eligibility).

Rule 23.214 is repealed. The provisions of this rule have been incorporated into rule §23.2 (relating to Eligible Lender and Eligible Education Loan) in the general provisions of this chapter. Accordingly, this section is duplicative and can be eliminated without affecting Coordinating Board operations.

Rule 23.216 is repealed. The section's only provision is a requirement for the Coordinating Board to post a link to adopted rules for this program and other program materials on its website. This requirement is duplicative of TEC, §61.9959(b), and, although public outreach and education regarding the Coordinating Board's programmatic offerings are key to the success of this and similar programs, the rule itself is unnecessary to the administration of the program. Its elimination will not affect Coordinating Board operations.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the improved clarity and consistency by eliminating unnecessary or duplicative provisions. There are no anticipated economic costs

to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 61.9959, which provides the Coordinating Board with the authority to adopt rules necessary for the administration of the Peace Officer Loan Repayment Assistance Program.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 23.

§23.213. *Eligibility for Disbursement of Loan Repayment Assistance.*

§23.214. *Eligible Lender and Eligible Education Loan.*

§23.216. *Rules.*

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

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Nichole Bunker-Henderson

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Texas Higher Education Coordinating Board

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SUBCHAPTER J. MATH AND SCIENCE SCHOLARS LOAN REPAYMENT ASSISTANCE PROGRAM

19 TAC §§23.286 - 23.289, 23.293 - 23.295

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments and new section in Texas Administrative Code, Title 19, Part 1, Chapter 23, Subchapter J, §§23.286 - 23.289 and 23.293 - 23.295, concerning the Math and Science Scholars Loan Repayment Assistance Program. Specifically, the amendments and new section will align the subchapter with others in Chapter 23 regarding structure, form, and

language; eliminate duplicative provisions; and clarify potential ambiguities in existing rules, and the new section will consolidate provisions specific to persons who established eligibility for the program prior to September 1, 2023.

The Coordinating Board is authorized to establish rules as necessary to administer the Math & Science Scholars Loan Repayment Program under Texas Education Code (TEC), Section 61.9840.

The subchapter is retitled to conform with the titles of the other subchapters in Chapter 23. Conforming changes to the program title are made throughout the subchapter.

Rule 23.286 is amended to align the subchapter's authority statement with that of other subchapters in Chapter 23. The purpose statement is revised to avoid any potential confusion related to the required length of service, which is included in the rules related to eligibility.

Rule 23.287 is amended to eliminate two unnecessary definitions and codify the Coordinating Board's existing operational definition for "public school" for this program. The terms "Commissioner" and "Coordinating Board" are defined in §23.1 (related to Definitions) in the general provisions of this chapter and are therefore duplicative in this rule. The term "employment service period" is changed to "service period" to align with usage in this subchapter and with other subchapters in Chapter 23. The definition for "public school" in paragraph (2) already is the operational definition for the term and is included to further clarify that otherwise eligible teachers employed at either traditional public or public charter schools may participate in the program.

Rule 23.288 is amended to simplify program eligibility rules so they more clearly reflect Coordinating Board practice. The rule is retitled to conform to a consistent rule structure and naming convention throughout Chapter 23. Historically, eligibility for this program has been a two-step process, with applicants establishing initial eligibility for the program and then, after completing a service period, becoming eligible for disbursement of funds. These processes have since been combined, with applicants establishing eligibility after their first service period. Accordingly, the former subsection (b) and repealed §23.291 are combined into the new eligibility criteria, with conforming changes made throughout the rule to make the consolidation fit logically. The existing subsection (a) is relocated to the new §23.295 (relating to Provisions Specific to Teachers Who Established Eligibility for the Program Based on an Application Submitted Prior to September 1, 2023). New paragraph (3) now includes clarifying language that the Coordinating Board will specify the eligible majors biennially that constitute "an undergraduate or graduate program in mathematics or science" to alleviate confusion for potential applicants. Overall, eligibility criteria for the program remain unchanged.

Rule 23.289 is amended to clarify the means by which the Coordinating Board will rank applications in the event that funds available are insufficient to offer loan repayment to all eligible applicants. The rule is retitled to conform to a consistent rule structure and naming convention throughout Chapter 23. Subsections (a) and (b) are combined, along with a number of non-substantive edits for clarity. The prioritization process remains unchanged.

Rule 23.293 is amended to eliminate or relocate provisions to better align with other subchapters in Chapter 23. The rule is retitled to reflect its remaining provision: setting the annual amount

of repayment assistance offered to eligible applicants. Subsection (a) is duplicative with §23.3 (relating to Method of Disbursement) and is eliminated. Subsection (c) is relocated to §23.295 (relating to Provisions Specific to Teachers Who Established Eligibility for the Program Based on an Application Submitted Prior to September 1, 2023). Subsection (d) is relocated to §23.294 (relating to Limitations).

Rule 23.294 is amended to consolidate various program limitations that were previously dispersed throughout the subchapter in a single rule. Paragraph (a)(3) is the reconstituted §23.293(d). Paragraph (a)(4) codifies the existing Coordinating Board practice of not offering an amount of loan repayment assistance that exceeds the unpaid principal and interest on an eligible education loan. Subsection (b) is the reconstituted §23.290(b).

Rule 23.295 is created to consolidate provisions affecting persons who established eligibility for the program prior to September 1, 2023. Subsection (a) is the reconstituted and combined §23.288(a) and §23.291(a), and subsection (b) is the reconstituted §23.290(a).

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the establishment of rules that more clearly articulate Coordinating Board policy and better align with rules governing the Coordinating Board's other loan repayment assistance programs. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will

be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments and new section are proposed under Texas Education Code, Section 61.9840, which provides the Coordinating Board with the authority to adopt rules as necessary to administer the Math & Science Scholars Loan Repayment Program.

The proposed amendments and new section affect Texas Administrative Code, Title 19, Part 1, Chapter 23.

§23.286. Authority and Purpose.

(a) Authority. Authority for this subchapter is provided in the Texas Education Code, chapter 61, subchapter KK, Math and Science Scholars Loan Repayment Program. These rules establish procedures to administer the subchapter as prescribed in the Texas Education Code, §§61.9831 - 61.9841.

(b) Purpose. The purpose of the Math and Science Scholars Loan Repayment Assistance Program is to encourage teachers, who demonstrated high academic achievement as math or science majors, to teach math or science in Texas public schools [for eight years, the first four of which are required].

§23.287. Definitions.

In addition to the words and terms defined in §23.1 of this chapter (relating to Definitions), the [The] following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

{(1) Commissioner--The Commissioner of Higher Education.}

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

{(3) Employment Service Period--A period of at least 9 months of a 12-month academic year.}

(1) [(4)] Program--The Math and Science Scholars Loan Repayment Assistance Program.

(2) Public School--A school in a Texas school district or a public charter school authorized to operate under Texas Education Code, chapter 12.

(3) Service Period--A period of at least nine months of a twelve-month academic year.

(4) [(5)] Title I School [school]--Texas public schools that receive federal funding under Title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. §6301 et seq.).

§23.288. Applicant Eligibility [for Enrollment in the Program].

{(a) To be eligible for the Coordinating Board to conditionally approve an application and encumber loan repayment funds, a teacher who first applies for the Program prior to September 1, 2023, must:}

{(1) ensure that the Coordinating Board has received the completed enrollment application and transcripts of the applicant's postsecondary coursework, and any other requested documents, by the established deadline posted on the Program web page;}

{(2) be a U.S. citizen;}

{(3) have completed an undergraduate or graduate program in mathematics or science;}

{(4) have earned a cumulative GPA of at least 3.0 on a four-point scale, or the equivalent, at the institution from which the teacher graduated;}

{(5) be certified under the Texas Education Code, Subchapter B, Chapter 21, or under a probationary teaching certificate, to teach mathematics or science in a Texas public school;}

{(6) have secured an employment contract as a full-time classroom teacher to teach mathematics or science in a Title I school at the time of application for enrollment in the Program;}

{(7) not receive any other state or federal loan repayment assistance, including a Teacher Education Assistance for College and Higher Education (TEACH) Grant or teacher loan forgiveness for the loan(s) that the applicant is seeking to be repaid;}

{(8) not be in default on any education loan; and}

{(9) enter into an agreement with the Coordinating Board that includes the provisions stated in subsection (b) of this section.}

{(b) The agreement with the Coordinating Board made prior to September 1, 2023, must include the following provisions:}

{(1) the applicant will accept an offer of continued employment to teach mathematics or science, as applicable based on the teacher's certification, for an average of at least four hours each school day in a Title I school, for four consecutive years, beginning with the school year that has recently begun or the upcoming school year at the time of the application for enrollment in the Program;}

{(2) the applicant may complete up to four additional consecutive school years teaching mathematics or science, as applicable based on the teacher's certification, for an average of at least four hours each school day in any Texas public school, beginning with the school year immediately following the last of the four consecutive school years described by paragraph (1) of this subsection; and}

{(3) the applicant understands that loan repayment awards are contingent on available funding received, the Coordinating Board may make a financial commitment only based on funds that have been appropriated for each two-year state budget period, and the teacher will be released from the teaching obligation for any year of employment for which funds are not available.}

{(e) To be eligible to receive [for the Coordinating Board to conditionally approve an application and enumerate] loan repayment assistance funds, an applicant [a teacher who first applies for the Program on or after September 1, 2023,] must:

(1) submit a [ensure that the Coordinating Board has received the] completed [enrollment] application, including [and] transcripts of the applicant's postsecondary coursework[;] and any other requested documents, to the Coordinating Board by the established deadline posted on the Program web page;

(2) be a U.S. citizen;

(3) have completed an undergraduate or graduate program in mathematics or science (a list of eligible majors will be posted on the Coordinating Board's website and reviewed at least once per biennium);

(4) have earned a cumulative GPA of at least 3.0 on a four-point scale, or the equivalent, at the institution from which the teacher graduated;

(5) be certified under the Texas Education Code, chapter 21, subchapter B, [or under a probationary teaching certificate,] to teach mathematics or science in a Texas public school;

(6) have been employed as a full-time classroom teacher teaching mathematics or science in a public school for one to eight consecutive service periods, unless a break in service periods has occurred as a result of the circumstances described in §23.294(b) of this

subchapter (relating to Limitations); and [secured an employment contract as a full-time classroom teacher to teach mathematics or science in a public school at the time of application for enrollment in the Program;}

{(7) not receive any other state or federal loan repayment assistance, including a Teacher Education Assistance for College and Higher Education (TEACH) Grant or teacher loan forgiveness for the loan(s) that the applicant is seeking to be repaid;}

{(8) not be in default on any education loan; and}

(7) [(9)] enter into an agreement or have an agreement on file with the Coordinating Board that includes the following provisions: [stated in subsection (d) of this section.}

(A) [(1)] the applicant has accepted [will accept] an offer of continued employment to teach mathematics or science, as applicable based on the teacher's certification, for an average of at least four hours each school day in a [any] public school, for four consecutive years, beginning with the previous school year [that has recently begun or the upcoming school year at the time of the application for enrollment in the Program];

(B) [(2)] the applicant may complete up to four additional consecutive school years teaching mathematics or science, as applicable based on the teacher's certification, for an average of at least four hours each school day in a [any Texas] public school, beginning with the school year immediately following the last of the four consecutive school years described by subparagraph (A) [paragraph (1)] of this paragraph [subsection]; and

(C) [(3)] the applicant understands that loan repayment assistance grants [awards] are contingent on available funding received, that the Coordinating Board may make a financial commitment only based on funds that have been appropriated for each two-year state budget period, and that the applicant [teacher] will be released from the teaching obligation for any year of employment for which funds are not available.

{(d) The agreement with the Coordinating Board made on or after September 1, 2023, must include the following provisions:}

§23.289. *Applicant [Application] Ranking Priorities.*

{(a) Renewal applicants shall be given priority over first-time applicants unless a break in Employment Service Periods has occurred as a result of the circumstances described in §21.2025 of this title (relating to Exceptions to Consecutive Years of Employment Requirement).}

{(b) If there are not sufficient funds to offer loan repayment assistance to [enumerate awards for] all eligible applicants [for enrollment in the Program], applications shall be ranked [according to a cumulative ranking system developed] by the following criteria, in order of priority [Coordinating Board based on]:

(1) Renewal applications, unless a break in service periods has occurred, except as provided by §23.294(b) of this subchapter (relating to Limitations);

(2) [(1)] applications from teachers with the greatest number of mathematics and science courses completed [by the applicants];

(3) [(2)] applications from teachers with the highest grades [grade] received in mathematics and science [by each applicant for each of those] courses; and

(4) [(3)] applications from teachers employed [employment] at schools with [having] the highest percentages of students who are eligible for free or reduced cost lunches.

§23.293. *[Disbursement of Repayment Assistance and Award] Amount of Repayment Assistance.*

[(a) The annual repayment(s) shall be in one disbursement made payable to the servicer(s) or holder(s) of the loan upon the teacher's completion of each year of qualifying employment.]

[(b)] The Commissioner [~~or his or her designee~~] shall determine the maximum annual loan repayment assistance amount in each state fiscal year, taking into consideration the amount of available funding and the number of eligible applicants.

[(c) A teacher who transfers to a Texas public school that is not a Title I school after completing four consecutive years of employment at a Title I school may qualify for no more than 75% of the annual award amount established for the fiscal year. This award limitation is applicable only to a teacher who applies for the Program prior to September 1, 2023.]

[(d) A teacher who applies for the Program on or after September 1, 2023, may continue to receive the same amount of loan repayment assistance provided during the first four years of teaching service in subsequent years, not to exceed eight years in the Program.]

§23.294. *Limitations.*

(a) Limitations. In addition to the limitations associated with eligible education loans established in §23.2 of this chapter (relating to Eligible Lender and Eligible Education Loan), the following limitations apply to the Math and Science Scholars Loan Repayment Assistance Program.

(1) [(a)] No more than 4,000 eligible teachers shall receive loan repayment assistance in any school year.

(2) [(b)] Failure to meet Program requirements will result in non-payment for the applicable year of employment and, except as provided by subsection (b) of this section, removal from the Program.

(3) An individual may receive loan repayment assistance under this program for no more than eight service periods.

(4) An individual's loan repayment assistance amount may not exceed the unpaid principal and interest owed on one or more eligible education loans, as defined in §23.2 of this chapter.

(b) Good Cause for Breaks in Service Period. A teacher enrolled in the Program shall not lose Program eligibility due to failure to meet the consecutive years of qualifying employment requirement if the break in employment service is a result of the teacher's:

(1) full-time enrollment in a course of study related to the field of teaching that is approved by the State Board for Educator Certification and provided by a Texas institution of higher education, as defined in Texas Education Code, §61.003;

(2) service on active duty as a member of the armed forces of the United States, including as a member of a reserve or National Guard unit called for active duty;

(3) temporary total disability for a period of not more than thirty-six months as established by the affidavit of a qualified physician;

(4) inability to secure employment for a period not to exceed twelve months, because of care required by a disabled spouse or child; or

(5) inability, despite reasonable efforts, to secure, for a single period not to exceed twelve months, employment in a public school.

§23.295. *Provisions Specific to Teachers Who Established Eligibility for the Program Based on an Application Submitted Prior to September 1, 2023.*

(a) Applicant Eligibility. Notwithstanding §23.288(a) of this subchapter (relating to Applicant Eligibility), to be eligible to receive loan repayment assistance funds, a teacher who first established eligibility for the Program based on an application submitted prior to September 1, 2023, must:

(1) submit a completed application, including any requested documents, to the Coordinating Board by the established deadline posted on the Program web page;

(2) be a U.S. citizen;

(3) have completed an undergraduate or graduate program in mathematics or science;

(4) have earned a cumulative GPA of at least 3.0 on a four-point scale, or the equivalent, at the institution from which the teacher graduated;

(5) be certified under the Texas Education Code, chapter 21, subchapter B, to teach mathematics or science in a Texas public school;

(6) have been employed as either:

(A) a full-time classroom teacher teaching mathematics or science in a Title I school for one to eight consecutive service periods, unless a break in service periods has occurred as a result of the circumstances described in subsection (b) of this section; or

(B) a full-time classroom teacher teaching math or science in a public school for one to four consecutive service periods following, with no break in service periods, four or more consecutive service periods of employment as a full-time classroom teacher teaching mathematics or science in a Title I school, unless a break in service periods has occurred as a result of the circumstances described in subsection (b) of this section; and

(7) enter into an agreement or have an agreement on file with the Coordinating Board that includes the following provisions:

(A) the applicant will accept an offer of continued employment to teach mathematics or science, as applicable based on the teacher's certification, for an average of at least four hours each school day in a Title I school, for four consecutive years, beginning with the previous school year at the time of the application for enrollment in the Program;

(B) the applicant may complete up to four additional consecutive school years teaching mathematics or science, as applicable based on the teacher's certification, for an average of at least four hours each school day in any Texas public school, beginning with the school year immediately following the last of the four consecutive school years described by paragraph (6)(A) of this subsection; and

(C) the applicant understands that loan repayment assistance grants are contingent on available funding received, the Coordinating Board may make a financial commitment only based on funds that have been appropriated for each two-year state budget period, and the teacher will be released from the teaching obligation for any year of employment for which funds are not available.

(b) Although funding limitations may require the Coordinating Board to exercise the ranking priorities established in §23.289 of this title (relating to Applicant Ranking Priorities) a teacher who established eligibility for the Program based on an application submitted prior to September 1, 2023, shall not lose Program eligibility due to failure to meet the consecutive years of qualifying employment requirement if the break in employment service is a result of the person's:

(1) full-time enrollment in a course of study related to the field of teaching that is approved by the State Board for Educator Certification and provided by a Texas institution of higher education, as defined in Texas Education Code, §61.003;

(2) service on active duty as a member of the armed forces of the United States, including as a member of a reserve or National Guard unit called for active duty;

(3) temporary total disability for a period of not more than thirty-six months as established by the affidavit of a qualified physician;

(4) inability to secure employment as required in a Title I school for a period not to exceed twelve months, because of care required by a disabled spouse or child; or

(5) inability, despite reasonable efforts, to secure, for a single period not to exceed twelve months, employment in a Title I school.

(c) Limitation. A teacher who first established eligibility for the Program based on an application submitted prior to September 1, 2023, who transfers to a Texas public school that is not a Title I school after completing four consecutive years of employment at a Title I school may qualify for no more than 75 percent of the annual award amount established for the fiscal year.

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

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Nichole Bunker-Henderson

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Texas Higher Education Coordinating Board

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



19 TAC §§23.290 - 23.292

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 23, Subchapter J, §§23.290 - 23.292, concerning the Math and Science Scholars Loan Repayment Program. Specifically, this repeal will consolidate provisions into other rules to better reflect Coordinating Board practices or eliminate rules that are duplicative with the General Provisions in Chapter 23, Subchapter A, being considered for adoption by the Board in July 2024.

The Coordinating Board is authorized to adopt rules as necessary for the administration of the program by Texas Education Code (TEC), Section 61.9840.

Rule 23.290 is repealed. To better align the structure of the subchapter to others in Chapter 23, the provisions within this section are relocated elsewhere in the subchapter. Subsection (a) is relocated to new rule §23.295(b) (relating to Provisions Specific to Teachers Who Established Eligibility for the Program Based on an Application Submitted Prior to September 1, 2023) and subsection (b) is relocated to rule §23.294(b) (relating to Limitations).

Rule 23.291 is repealed. Historically, eligibility for this program has been a two-step process, with applicants establishing initial eligibility for the program and then, after completing a service

period, becoming eligible for disbursement of funds. These processes have since been combined, with applicants establishing eligibility after their first service period. Accordingly, subsection (a) is incorporated into eligibility criteria established in new rule §23.295(a) (relating to Provisions Specific to Teachers Who Established Eligibility for the Program Based on an Application Submitted Prior to September 1, 2023) and subsection (b) is similarly incorporated into rule §23.288 (relating to Applicant Eligibility).

Rule 23.292 is repealed. The provisions of this rule have been incorporated into rule §23.2 (relating to Eligible Lender and Eligible Education Loan) in the general provisions of this chapter. Accordingly, this section is duplicative and can be eliminated without affected Coordinating Board operations.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be improved rule clarity and consistency and eliminating unnecessary or duplicative provisions. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposal may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 61.9840, which provides the Coordinating Board with the authority to adopt rules as necessary to administer the Math & Science Scholars Loan Repayment Program.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 23.

§23.290. *Exceptions to Consecutive Years of Employment Requirement.*

§23.291. *Eligibility for Disbursement of Award.*

§23.292. *Eligible Lender and Eligible Education Loan.*

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

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For further information, please call: (512) 427-6565



PART 2. TEXAS EDUCATION AGENCY

CHAPTER 89. ADAPTATIONS FOR SPECIAL POPULATIONS

SUBCHAPTER AA. COMMISSIONER'S RULES CONCERNING SPECIAL EDUCATION SERVICES

DIVISION 7. DISPUTE RESOLUTION

19 TAC §89.1196, §89.1197

The Texas Education Agency (TEA) proposes amendments to §89.1196 and §89.1197, concerning special education services dispute resolution. The proposed amendments would clarify procedures for individualized education program (IEP) facilitation and add language allowing TEA to delegate certain duties and responsibilities.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 89.1196 addresses the requirement in Texas Education Code, §29.019, to develop rules associated with IEP facilitation that public education agencies may choose to use as an alternative dispute resolution method. The proposed amendment to subsection (a) would describe the purpose of IEP facilitation and would change the term "trained" to "qualified" in the description of facilitators who assist admission, review, and dismissal (ARD) committees.

Section 89.1197 addresses procedures for state IEP facilitation when the ARD committee is in dispute with a parent of a student with a disability. Proposed new subsection (b) would clarify that TEA may delegate duties and responsibilities to an education service center to maximize efficiency. Subsections would be re-lettered throughout the rule as a result of this addition. Deletion of subsection (e)(6), re-lettered as subsection (f)(6), would remove language prohibiting the use of IEP facilitation if the issue in dispute is part of a special education complaint, as the agency has determined that facilitation may actually be helpful in resolving these situations.

FISCAL IMPACT: Justin Porter, associate commissioner and chief program officer for special populations programs, reporting, and student support, has determined that for the first

five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

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

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

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

GOVERNMENT GROWTH IMPACT TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand existing regulations to clarify procedures for IEP facilitation and add into rule the delegation of duties and responsibilities.

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

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Porter has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to describe the use of IEP facilitation as a way to avoid a potential dispute between a public education agency and a parent of a student with a disability, as well as address procedures for state IEP facilitation when the ARD committee is in dispute with a parent of a student with a disability.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins July 26, 2024, and ends August 26, 2024. Public hearings will be conducted to solicit testimony and input on the proposed amendments at 9:30 a.m. on August 21 and 22, 2024. The public may participate in either hearing virtually by linking to the hearing at <https://zoom.us/j/95563232072>. Anyone wishing to testify must be present at 9:30 a.m. and indicate to TEA staff their intent to comment and are encouraged to also send written testimony to sped@tea.texas.gov. The hearings will conclude once all who have signed in have

been given the opportunity to comment. Questions about the hearings should be directed to Derek Hollingsworth, Special Populations Policy, Integration and Technical Assistance, Derek.Hollingsworth@tea.texas.gov. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §29.001, which requires the agency to develop and modify as necessary a statewide plan for the delivery of services to children with disabilities that ensures the availability of a free appropriate public education to children between the ages of 3-21; TEC, §29.019, which establishes IEP facilitation as an alternative dispute resolution method that districts may choose to use; and TEC, §29.020, which establishes the state's IEP facilitation project.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§29.001, 29.019, and 29.020.

§89.1196. Individualized Education Program Facilitation.

(a) For the purpose of this section and Texas Education Code, §29.019, individualized education program (IEP) facilitation refers to a method of alternative dispute resolution that may be used to avoid a potential dispute between a public education agency and a parent of a student with a disability. IEP facilitation involves the use of a qualified [trained] facilitator to assist an admission, review, and dismissal (ARD) committee in developing an IEP for a student with a disability. The facilitator uses facilitation techniques to help the committee members communicate and collaborate effectively. While public education agencies are not required to offer IEP facilitation as an alternative dispute resolution method, the Texas Education Agency (TEA) encourages the use of IEP facilitation as described in this section.

(b) A public education agency is not prohibited from incorporating elements of IEP facilitation into ARD committee meetings that are conducted without the assistance of a facilitator as described in this section. For example, a public education agency may provide training on communication skills, conflict management, or meeting effectiveness to individuals who participate in ARD committee meetings to enhance collaboration and efficiency in those meetings.

(c) A public education agency that chooses to offer IEP facilitation under this section may determine whether to use independent contractors, employees, or other qualified individuals as facilitators. At a minimum, an individual who serves as a facilitator must:

- (1) have demonstrated knowledge of federal and state requirements relating to the provision of special education and related services to students with disabilities;
- (2) have demonstrated knowledge of and experience with the ARD committee meeting process;
- (3) have completed 18 hours of training in IEP facilitation, consensus building, and/or conflict resolution; and
- (4) complete continuing education as determined by the public education agency.

(d) A public education agency that chooses to offer IEP facilitation under this section must ensure that:

- (1) participation is voluntary on the part of the parties;
- (2) the facilitation is provided at no cost to parents; and
- (3) the process is not used to deny or delay the right to pursue a special education complaint, mediation, or a due process hearing

in accordance with Part B of the Individuals with Disabilities Education Act (IDEA) and this division.

(e) A public education agency that chooses to offer IEP facilitation under this section must develop written policies and procedures that include:

- (1) the procedures for requesting facilitation;
 - (2) facilitator qualifications, including whether facilitators are independent contractors, employees, or other qualified individuals;
 - (3) the process for assigning a facilitator;
 - (4) the continuing education requirements for facilitators;
- and
- (5) a method for evaluating the effectiveness of the facilitation services and the individual facilitators.

(f) A public education agency that chooses to offer IEP facilitation under this section must provide parents with information about the process, including a description of the procedures for requesting IEP facilitation and information related to facilitator qualifications. This information must be included when a copy of the procedural safeguards notice under 34 Code of Federal Regulations (CFR), §300.504 is provided to parents, although this information may be provided as a separate document and may be provided in a written or electronic format.

(g) A facilitator under this section must not be a member of the student's ARD committee, must not have any decision-making authority over the committee, and must remain impartial to the topics under discussion. The facilitator must assist with the overall organization and conduct of the ARD committee meeting by:

- (1) assisting the committee in establishing an agenda and setting the time allotted for the meeting;
- (2) assisting the committee in establishing a set of guidelines for the meeting;
- (3) guiding the discussion and keeping the focus on developing a mutually agreed upon IEP for the student;
- (4) ensuring that each committee member has an opportunity to participate;
- (5) helping to resolve disagreements that arise; and
- (6) helping to keep the ARD committee on task so that the meeting purposes can be accomplished within the time allotted for the meeting.

(h) Promptly after being assigned to facilitate an ARD committee meeting, or within a timeline established under the public education agency's procedures, the facilitator must contact the parents and public education agency representative to clarify the issues, gather necessary information, and explain the IEP facilitation process.

(i) A public education agency that chooses to offer IEP facilitation under this section must ensure that facilitators protect the confidentiality of personally identifiable information about the student and comply with the requirements in the Family Educational Rights and Privacy Act regulations, 34 CFR, Part 99, relating to the disclosure and redisclosure of personally identifiable information from a student's education record.

(j) [The] TEA will develop information regarding IEP facilitation as an alternative dispute resolution method, and such information will be available upon request from [the] TEA and on the TEA website.

§89.1197. State Individualized Education Program Facilitation.

(a) In accordance with [the] Texas Education Code, §29.020, the Texas Education Agency (TEA) will establish a program that provides independent individualized education program (IEP) facilitators [beginning with the 2014-2015 school year].

(b) For purposes of this section, where TEA is referenced in subsections (c)-(p) of this section and where not otherwise prohibited by law, TEA may delegate duties and responsibilities to an education service center (ESC) when it is determined to be the most efficient way to implement the program.

(c) [(b)] For the purpose of this section, IEP facilitation has the same general meaning as described in §89.1196(a) of this title (relating to Individualized Education Program Facilitation), except that state IEP facilitation is used when the admission, review, and dismissal (ARD) committee is in dispute about decisions relating to the provision of a free and appropriate public education to a student with a disability and the facilitator is an independent facilitator provided by [the] TEA.

(d) [(e)] A request for IEP facilitation under this section must be filed by completing a form developed by [the] TEA that is available upon request from [the] TEA and on the TEA website. The form must be filed with [the] TEA by one of the parties by electronic mail, mail, hand-delivery, or facsimile.

(e) [(d)] IEP facilitation under this section must be voluntary on the part of the parties and provided at no cost to the parties.

(f) [(e)] In order for [the] TEA to provide an independent facilitator, the following conditions must be met.

(1) The required form must be completed and signed by both parties.

(2) The dispute must relate to an ARD committee meeting in which mutual agreement about one or more of the required elements of the IEP was not reached and the parties have agreed to recess and reconvene the meeting in accordance with §89.1055(o) [§89.1050(g)] of this title (relating to Individualized Education Program [The Admission, Review, and Dismissal Committee]).

(3) The request for IEP facilitation must have been filed within 10 calendar days of the ARD committee meeting that ended in disagreement, and a facilitator must be available on the date set for reconvening the meeting.

(4) The dispute must not relate to a manifestation determination or determination of interim alternative educational setting under 34 Code of Federal Regulations (CFR), §300.530 or §300.531.

(5) The same parties must not be concurrently involved in special education mediation under §89.1193 of this title (relating to Special Education Mediation).

[(6) The issues in dispute must not be the subject of a special education complaint under §89.1195 of this title (relating to Special Education Complaint Resolution) or a special education due process hearing under §89.1151 of this title (relating to Special Education Due Process Hearings) and §89.1165 of this title (relating to Request for Special Education Due Process Hearing).]

(6) [(7)] The same parties must not have participated in IEP facilitation concerning the same student under this section within the same school year of the filing of the current request for IEP facilitation.

(g) [(f)] Within five business days of receipt of a request for an IEP facilitation under this section, [the] TEA will determine whether the conditions in subsections (d)-(f) [(e)-(e)] of this section have been met and will notify the parties of its determination and the assignment of the independent facilitator, if applicable.

(h) [(g)] Notwithstanding subsections (c)-(f) [(b)-(e)] of this section, if a special education due process hearing or complaint decision requires a public education agency to provide an independent facilitator to assist with an ARD committee meeting, the public education agency may request that [the] TEA assign an independent facilitator. Within five business days of receipt of a written request for IEP facilitation under this subsection, [the] TEA will notify the parties of its decision to assign or not assign an independent facilitator. If TEA declines the request to assign an independent facilitator, the public education agency must provide an independent facilitator at its own expense.

(i) [(h)] [The] TEA's decision not to provide an independent facilitator is final and not subject to review or appeal.

(j) [(i)] The independent facilitator assignment may be made based on a combination of factors, including, but not limited to, geographic location and availability. Once assigned, the independent facilitator must promptly contact the parties to clarify the issues, gather necessary information, and explain the IEP facilitation process.

(k) [(j)] [The] TEA will use a competitive solicitation method to seek independent facilitation services, and the contracts with independent facilitators will be developed and managed in accordance with [the] TEA's contracting practices and procedures.

(l) [(k)] At a minimum, an individual who serves as an independent facilitator under this section:

(1) must have demonstrated knowledge of federal and state requirements relating to the provision of special education and related services to students with disabilities;

(2) must have demonstrated knowledge of and experience with the ARD committee meeting process;

(3) must have completed 18 hours or more of training in IEP facilitation, consensus building, and/or conflict resolution as specified in [the] TEA's competitive solicitation;

(4) must complete continuing education as determined by [the] TEA;

(5) may not be an employee of [the] TEA or the public education agency that the student attends; and

(6) may not have a personal or professional interest that conflicts with his or her impartiality.

(m) [(h)] An individual is not an employee of [the] TEA solely because the individual is paid by [the] TEA to serve as an independent facilitator.

(n) [(m)] An independent facilitator must not be a member of the student's ARD committee, must not have any decision-making authority, and must remain impartial to the topics under discussion. The independent facilitator must assist with the overall organization and conduct of the ARD committee meeting by:

(1) assisting the committee in establishing an agenda and setting the time allotted for the meeting;

(2) assisting the committee in establishing a set of guidelines for the meeting;

(3) guiding the discussion and keeping the focus on developing a mutually agreed upon IEP for the student;

(4) ensuring that each committee member has an opportunity to participate;

(5) helping to resolve disagreements that arise; and

(6) helping to keep the ARD committee on task so that the meeting purposes can be accomplished within the time allotted for the meeting.

(o) [(n)] An independent facilitator must protect the confidentiality of personally identifiable information about the student and comply with the requirements in the Family Educational Rights and Privacy Act regulations, 34 CFR, Part 99, relating to the disclosure and redisclosure of personally identifiable information from a student's education record.

(p) [(o)] [The] TEA will develop surveys to evaluate the IEP facilitation program and the independent facilitators and will request that parties who participate in the program complete the surveys.

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

Filed with the Office of the Secretary of State on July 15, 2024.

TRD-202403104

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: August 25, 2024

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



TITLE 22. EXAMINING BOARDS

PART 22. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

CHAPTER 511. ELIGIBILITY

SUBCHAPTER H. CERTIFICATION

22 TAC §511.161

The Texas State Board of Public Accountancy (Board) proposes an amendment to §511.161 concerning Qualifications for Issuance of a Certificate.

Background, Justification and Summary

An existing Board rule, §511.163, requires an applicant to complete a four-hour CPE ethics course before taking the Uniform Certified Public Accountancy Exam. That rule provision is being transferred to the section of the Board's rules that address Continuing Professional Education.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will make it clear that Continuing Professional Education is not required until after an applicant becomes a Certified Public Accountant.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 26, 2024.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§511.161. *Qualifications for Issuance of a Certificate.*

The certificate of a CPA shall be granted by the board to an applicant who qualifies under the current Act and has met the following qualifications:

- (1) successfully completed the UCPAE;
- (2) met the education requirements in §511.164 of this chapter (relating to Definition of 150 Semester Hours to Qualify for Issuance of a Certificate);
- (3) successfully completed a 3-semester hour board-approved ethics course as defined by §511.164 of this chapter;
- (4) submitted an application prescribed by the board;
- (5) submitted the requisite fee, set by the board, for issuance of the certificate;
- (6) provided evidence of a lack of a history of dishonest or felonious acts or any criminal activity that might be relevant to the applicant's qualifications;
- (7) completed the fingerprint process that accesses the Federal Bureau of Investigation (FBI) and the Texas Department of Public Safety - Crime records division files;
- (8) submitted, on a form prescribed by the board, evidence of completion of the work experience requirements commensurate with the education requirements;
- (9) executed an oath of office stating support of the Constitution of the United States and of this state and the laws thereof, and compliance with the board's Rules of Professional Conduct;

~~[(10) an applicant who has completed a board-approved ethics course more than two years prior to the date of submitting an application for issuance of a CPA certificate must complete a board-approved four-hour ethics course of comprehensive study on the board's Rules of Professional Conduct;]~~

~~(10) [(11)]~~ successfully completed the examination on the board's Rules of Professional Conduct; and

~~(11) [(12)]~~ provided any other information requested by the board.

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

Filed with the Office of the Secretary of State on July 11, 2024.

TRD-202403052

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 25, 2024

For further information, please call: (512) 305-7842



CHAPTER 520. PROVISIONS FOR THE ACCOUNTING STUDENTS SCHOLARSHIP PROGRAM

22 TAC §520.1

The Texas State Board of Public Accountancy (Board) proposes an amendment to §520.1 concerning Authority and Purpose.

Background, Justification and Summary

Establishes the Examination Fee Financial Aid program to assist applicants who can demonstrate the need for assistance in paying the cost of taking the Uniform Certified Public Accountancy Exam.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule amendment will help applicants in need of financial assistance in taking the Uniform Certified Public Accountancy Exam and provide the public with more qualified accountants to serve the public.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505

E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 26, 2024.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§520.1. Authority and Purpose.

(a) Authority for this chapter is provided in Subchapter N [D, §901.155] of the Act, which is titled Scholarships [Scholarship Trust Fund] for Accounting Students. This chapter establishes procedures to administer the accounting students scholarship programs [program].

(b) The purpose of the accounting students scholarship programs [program] is to provide financial assistance to students intending to take the UCPAE and to assist accounting students by establishing the Examination Fee Financial Aid (EFFA) program [conducted] for the purpose of obtaining a CPA certificate and thus increase the number of highly trained and educated CPAs available to serve the residents of this state.

(c) The purpose of the EFFA program is to provide financial assistance, as long as funding is available as determined by the board, by utilizing operating funds for the reimbursement of exam fees to applicants applying for certification as a CPA as described in §901.653 of the Act (relating to Scholarships).

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

Filed with the Office of the Secretary of State on July 11, 2024.

TRD-202403053

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 25, 2024

For further information, please call: (512) 305-7842



22 TAC §520.2

The Texas State Board of Public Accountancy (Board) proposes an amendment to §520.2 concerning Definitions.

Background, Justification and Summary

Defines the terms used in the creation of the Examination Fee Financial Aid program to assist applicants in need of financial assistance in the costs to take the Uniform Certified Public Accountancy Exam.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed definitions section of the rules amendment will add clarity to who is eligible for the financial aid.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 26, 2024.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have

an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§520.2. Definitions.

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

(1) Cost of attendance--An estimate of the expenses incurred by a typical financial aid student in attending a particular college or university. It includes direct educational costs (tuition, fees, books, and supplies) as well as indirect costs (room and board, transportation, and personal expenses - to include the UCPAE fee paid to NASBA).

(2) Expected family contribution--The amount of discretionary income that should be available to a student from his or her resources and that of his or her family, as determined by the US Department of Education Definition of Expected Family Contribution.

(3) Financial need--The cost of attendance at a particular public or private institution of higher education less the expected family contribution. The cost of attendance and family contribution are to be determined in accordance with board guidelines.

(4) Gift Aid--Educational funds from state, federal, and other sources, such as grants, that do not require repayment from present or future earnings. Assistantships and work-study programs are not considered to be gift aid.

(5) Half-time student--For undergraduates, not in their final semester, who are enrolled or are expected to be enrolled for the equivalent of at least six but not more than nine semester credit hours. For graduate students, not in their final semester, who are enrolled or are expected to be enrolled for the equivalent of 4.5 but not more than six semester credit hours.

(6) Institution--Public and private or independent institutions of higher education as defined in Texas Education Code, §61.003.

(7) NASBA--The National Association of State Boards of Accountancy.

(8) [~~7~~] Period of enrollment--The term or terms within the current state fiscal year (September 1 - August 31) for which the student was enrolled in an approved institution and met all the eligibility requirements for an award through the program described in this chapter.

(9) [~~8~~] Program Officer--The individual named by each participating institution's chief executive officer to serve as agent for the board. The program officer has primary responsibility for all

ministerial acts required by the program, including maintenance of all records and preparation and submission of reports reflecting program transactions. Unless otherwise indicated by the administration, the director of student financial aid shall serve as program officer.

(10) [~~9~~] Resident of Texas--A resident of the State of Texas as determined in accordance with 19 TAC Part 1, Chapter 21, Subchapter B (relating to Determination of Resident Status). Nonresident students who are eligible to pay resident tuition rates are not residents of Texas.

(11) UCPAE fee--The exam cost paid by the applicant to NASBA to take a section of the UCPAE.

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

Filed with the Office of the Secretary of State on July 11, 2024.

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J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 25, 2024

For further information, please call: (512) 305-7842



22 TAC §520.3

The Texas State Board of Public Accountancy (Board) proposes an amendment to §520.3 concerning Institutions.

Background, Justification and Summary

Adds descriptive language to the title of the rule for the reader to understand that the rule applies only to the accounting students scholarship program.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule revision helps to provide clarity to the applicability of the rule.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 26, 2024.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§520.3. *Institutions for the Accounting Students Scholarship Program.*

(a) Eligibility.

(1) Any college or university defined as a public, private or independent institution of higher education by Texas Education Code, §61.003 that offers the courses required by §§511.57, 511.58 and 511.60 of this title (relating to Qualified Accounting Courses to take the UCPAE, Definitions of Related Business Subjects to take the UCPAE and Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE), is eligible to participate in the accounting students scholarship program.

(2) No institution may, on the grounds of race, color, national origin, gender, religion, age or disability exclude a student from participation in or deny the benefits of the program described in this chapter.

(3) Each participating institution must follow the Civil Rights Act of 1964, Title VI (Public Law 88-353) in avoiding discrimination in admissions.

(b) Approval.

(1) Each approved institution must enter into an agreement with the board, the terms of which shall be prescribed by the executive director.

(2) An institution must be approved by April 1 in order for qualified students enrolled in that institution to be eligible to receive scholarships in the following fiscal year beginning September 1st.

(c) Responsibilities.

(1) Probation Notice. If the institution is placed on public probation by its accrediting agency, it must immediately advise scholarship recipients of this condition and maintain evidence in each student's file to demonstrate that the student was so informed.

(2) Disbursements to Students.

(A) The institution must maintain records to prove the disbursement of program funds to the student or the crediting of such funds to the student's school account.

(B) If the executive director has reason to believe that an institution has disbursed funds for unauthorized purposes, the institution will be notified and offered an opportunity for a hearing pursuant to the applicable procedures outlined in Chapter 519 of this title (relating to Practice and Procedure) and the rules of procedure of SOAH. Thereafter, if the board determines that funds have been improperly disbursed, the institution shall become responsible for restoring the funds to the board. No further disbursements of scholarship funds shall be permitted to students at that institution until the funds have been repaid.

(d) Reporting.

(1) All institutions must meet board reporting requirements. Such reporting requirements shall include reports specific to allocation of scholarship funds as well as progress and year-end reports.

(2) Penalties for Late Reports.

(A) The executive director may penalize an institution by reducing its allocation of funds in the following year by up to 10 percent for each progress report that is postmarked or submitted electronically more than a week (seven (7) calendar days) late.

(B) The executive director may assess more severe penalties against an institution if any report is received by the board more than ~~one-month~~ ~~[one month]~~ (thirty (30) calendar days) after its due date. The maximum penalty for a single year is 30 percent of the school's allocation. If penalties are invoked two consecutive years, the institution may be penalized an additional 20 percent.

(3) If the executive director determines that a penalty is appropriate, the institution will be notified by certified mail, addressed to the program officer. Within 21 days from the date that the program officer receives the written notice, the institution must submit a written response appealing the board's decision, or the penalty shall become final and no longer subject to an appeal. An appeal under this section

will be conducted in accordance with the rules provided in the applicable sections of Chapter 519 of this title and the procedural rules of SOAH.

(e) Program Reviews. If selected for such by the board, participating institutions must submit to program reviews of activities related to the accounting students scholarship program.

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

Filed with the Office of the Secretary of State on July 11, 2024.

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J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

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22 TAC §520.4

The Texas State Board of Public Accountancy (Board) proposes an amendment to §520.4 concerning Eligible Students.

Background, Justification and Summary

Adds descriptive language to the title of the rule for the reader to understand that the rule applies only to the accounting students scholarship program.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule revision helps to provide clarity to the applicability of the rule.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does

not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 26, 2024.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act (Act), Texas Occupations Code §901.151, which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§520.4. *Eligible Students for the Accounting Students Scholarship Program.*

(a) To receive funds:

(1) an undergraduate student majoring in accounting must be enrolled at least half-time at an approved institution in Texas that is participating in the scholarship program, and attending consecutive semesters or in the final semester of the degree; or

(2) a graduate student majoring in accounting must be enrolled at least half-time or in the final semester of the degree at an approved institution in Texas that is participating in the scholarship program.

(b) To receive funds, a student must:

(1) maintain satisfactory academic progress in the program of study as defined by the institution;

(2) have completed at least 15 semester hours of upper-level accounting coursework;

(3) sign a written statement confirming the intent to take the examination conducted by or pursuant to the authority of the board for the purpose of obtaining a certificate of certified public accountant in Texas;

(4) agree to pay on demand all scholarship funds received if the student does not take at least one part of the exam within three years of submitting the application of intent, unless the executive director grants an extension of the three-year requirement upon a showing of good cause;

(5) agree that failure to comply with paragraph (4) of this subsection may cause the board to take measures necessary to enforce the repayment of the scholarship including bringing a civil suit in state district court;

(6) confirm that the applicant submitted an Application of Intent and has not met the educational requirements for certification in Texas;

(7) maintain a cumulative grade point average, as determined by the institution, that is equal to or greater than the grade point average required by the institution for graduation;

(8) be a resident of Texas; and

(9) have a statement on file with the institution of higher education indicating the student is registered with the Selective Service System as required by federal law or is exempt from Selective Service registration under federal law.

(c) In selecting recipients, the Program Officer shall consider at a minimum the following factors relating to each applicant:

(1) the applicant's financial need, which may be based on but not limited to the cost of the applicant attending school less family contribution and any gift aid (an award may not exceed the applicant's need nor be less than the amount calculated in accordance with the formula provided institutions in the application instructions);

(2) scholastic ability and performance as measured by the student's cumulative college grade point average as determined by the institution in which the student is enrolled; and

(3) ethnic or racial minority status.

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

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J. Randel (Jerry) Hill

General Counsel

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22 TAC §520.5

The Texas State Board of Public Accountancy (Board) proposes an amendment to §520.5 concerning Award Amount and Uses.

Background, Justification and Summary

Adds descriptive language to the title of the rule for the reader to understand that the rule applies only to the accounting students scholarship program.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule revision helps to provide clarity to the applicability of the rule.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 26, 2024.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the pro-

posed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§520.5. Award Amount and Uses for the Accounting Students Scholarship Program.

(a) Funds awarded through this program may include any gifts, grants and donations of real or personal property from any entity, subject to limitations or conditions set by law, for the purposes of this chapter.

(b) Award Amount and Disbursements.

(1) The minimum and maximum annual award for a student through this program shall be an amount established by the board and announced to institutions in the allocation announcement sent out for the relevant year.

(2) An individual student's scholarship shall be paid out in the form of at least one disbursement per semester.

(c) No scholarship disbursed to a student shall be used for any purpose other than for meeting the cost of attending an approved institution.

(d) The duration of the scholarship shall be a maximum of three years awarded by semester or term.

(e) At the time an award is made to a student, it shall not exceed the student's need.

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

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J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

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For further information, please call: (512) 305-7842



22 TAC §520.6

The Texas State Board of Public Accountancy (Board) proposes an amendment to §520.6 concerning Allocations.

Background, Justification and Summary

Adds descriptive language to the title of the rule for the reader to understand that the rule applies only to the accounting students scholarship program.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule revision helps to provide clarity to the applicability of the rule.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 26, 2024.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the pro-

posed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§520.6. *Allocations for the Accounting Students Scholarship Program.*

(a) The board develops a formula for allocating funds to participating institutions in a way that fulfills the purpose of the program.

(b) Unless otherwise indicated, institutions shall have until a date specified by the board through a policy memo addressed to the program officer at the institution to encumber all funds allocated to them. If unencumbered by that specific date, the unencumbered funds will be allocated by the executive director to other institutions based upon need and a history of utilization.

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

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J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

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For further information, please call: (512) 305-7842



22 TAC §520.7

The Texas State Board of Public Accountancy (Board) proposes an amendment to §520.7 concerning Disbursements to Institutions.

Background, Justification and Summary

Adds descriptive language to the title of the rule for the reader to understand that the rule applies only to the accounting students scholarship program.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule revision helps to provide clarity to the applicability of the rule.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 26, 2024.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§520.7. Disbursements to Institutions for the Accounting Students Scholarship Program.

Requests for program funds for eligible students shall be made by the program officer. Program funds, up to the maximum allocation for the institution, shall be disbursed to the institution for immediate release to the students or immediate application to the students' accounts at the institution. Requests for program funds may be made at any time during the academic year prior to the reallocation deadline.

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

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J. Randel (Jerry) Hill
General Counsel

Texas State Board of Public Accountancy

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For further information, please call: (512) 305-7842



22 TAC §520.8

The Texas State Board of Public Accountancy (Board) proposes an amendment to §520.8 concerning Retroactive Disbursements.

Background, Justification and Summary

Adds descriptive language to the title of the rule for the reader to understand that the rule applies only to the accounting students scholarship program.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed amendment is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the amendment.

Public Benefit

The adoption of the proposed rule revision helps to provide clarity to the applicability of the rule.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the amendment and a Local Employment Impact Statement is not required because the proposed amendment will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed amendment will not have an adverse economic effect on

small businesses, rural communities or micro-businesses because the amendment does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the amendment is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed rule revision.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 26, 2024.

The Board specifically invites comments from the public on the issues of whether or not the proposed amendment will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The amendment is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed amendment.

§520.8. Retroactive Disbursements for the Accounting Students Scholarship Program.

(a) A student may receive a disbursement after the end of his or her period of enrollment if the student:

(1) owes funds to the institution for the period of enrollment for which the award is being made; or

(2) received a student loan that is still outstanding for the period of enrollment for which the award is being made.

(b) Funds that are disbursed retroactively shall either be used to pay the student's outstanding balance, including interest, from his or her period of enrollment at the institution or to make a payment against an outstanding loan received during that period of enrollment. Under no circumstances shall funds be released to the student.

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

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J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

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22 TAC §520.11

The Texas State Board of Public Accountancy (Board) proposes new rule §520.11 concerning Eligible Applicants for Examination Fee Financial Aid (EFFA) Program.

Background, Justification and Summary

The proposed rule will establish criteria for eligibility for the financial aid.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed new rule is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the new rule.

Public Benefit

The adoption of the proposed rule will make it clear that as to how you may qualify for financial aid.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the new rule and a Local Employment Impact Statement is not required because the proposed new rule will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed new rule will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the new rule does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the new rule is in effect, the proposed rule:

does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed new rule.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 26, 2024.

The Board specifically invites comments from the public on the issues of whether or not the proposed new rule will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The new rule is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed new rule.

§520.11. Eligible Applicants for Examination Fee Financial Aid (EFFA) Program.

(a) To receive Examination Fee Financial Aid funds a Texas applicant, having submitted a board approved application to take the UCPAE must:

(1) have not taken a section of the UCPAE prior to the effective date of this rule;

(2) have not passed a section of the UCPAE prior to the effective date of this rule;

(3) take the first section of the UCPAE after the effective date of this rule;

(4) receive their first passing score, as determined by board rule on a section of the UCPAE after the effective date of this rule; and

(5) submit an application to the board for reimbursement of the UCPAE fee within 90 days of receiving the first passing score.

(b) Examination Fee Financial Aid funds are only available to Texas applicants whose purpose is to obtain a certificate of "Certified Public Accountant" in Texas.

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

Filed with the Office of the Secretary of State on July 11, 2024.

TRD-202403061

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 25, 2024

For further information, please call: (512) 305-7842



22 TAC §520.12

The Texas State Board of Public Accountancy (Board) proposes new rule §520.12 concerning Award Amounts and Uses Through the Examination Fee Financial Aid (EFFA) Program.

Background, Justification and Summary

The proposed rule makes it clear that the amount reimbursed is based upon the CPA examination fee and once the applicant has paid for the exam fee and passed the exam the reimbursed amount may be used for other legal purposes.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed new rule is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the new rule.

Public Benefit

The adoption of the proposed rule will clarify that it is a reimbursement, to be used only by the applicant, in one disbursement amount and is a one-time award.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the new rule and a Local Employment Impact Statement is not required because the proposed new rule will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed new rule will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the new rule does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the new rule is in effect, the proposed rule:

does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed new rule.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 26, 2024.

The Board specifically invites comments from the public on the issues of whether or not the proposed new rule will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The new rule is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed new rule.

§520.12. Award Amounts and Uses Through the Examination Fee Financial Aid (EFFA) Program.

(a) Funds awarded through this program will be in the form of a reimbursement to the applicant for the examination costs paid by the applicant to NASBA for the first section of the UCPAE that was passed.

(b) Award Amounts and Disbursements.

(1) The minimum and maximum reimbursement to an applicant through this program shall be an amount paid by the applicant to NASBA for the first section of the UCPAE that was passed.

(2) The applicant may use board reimbursed funds to take subsequent UCPAE sections or for other purposes and needs of the applicant.

(3) The reimbursement shall be paid by the board in the form of a single disbursement.

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

Filed with the Office of the Secretary of State on July 11, 2024.

TRD-202403062

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 25, 2024

For further information, please call: (512) 305-7842



22 TAC §520.13

The Texas State Board of Public Accountancy (Board) proposes new rule §520.13 concerning Documentation for the Examination Fee Financial Aid (EFFA) Program.

Background, Justification and Summary

The applicant is required to apply to the board for the award and provide evidence of financial need.

Fiscal Note

William Treacy, Executive Director of the Board, has determined that for the first five-year period the proposed new rule is in effect, there will be no additional estimated cost to the state, no estimated reduction in costs to the state and to local governments, and no estimated loss or increase in revenue to the state, as a result of enforcing or administering the new rule.

Public Benefit

The adoption of the proposed rule will clarify that the application is submitted to the board and must contain evidence of financial need.

Probable Economic Cost and Local Employment Impact

Mr. Treacy, Executive Director, has determined that there will be no probable economic cost to persons required to comply with the new rule and a Local Employment Impact Statement is not required because the proposed new rule will not affect a local economy.

Small Business, Rural Community and Micro-Business Impact Analysis

William Treacy, Executive Director, has determined that the proposed new rule will not have an adverse economic effect on small businesses, rural communities or micro-businesses because the new rule does not impose any duties or obligations upon small businesses, rural communities or micro-businesses; therefore, an Economic Impact Statement and a Regulatory Flexibility Analysis are not required.

Government Growth Impact Statement

William Treacy, Executive Director, has determined that for the first five-year period the new rule is in effect, the proposed rule: does not create or eliminate a government program; does not create or eliminate employee positions; does not increase or decrease future legislative appropriations to the Board; does not increase or decrease fees paid to the Board; does not create a

new regulation; limits the existing regulation; does not increase or decrease the number of individuals subject to the proposed rule's applicability; and does not positively or adversely affect the state's economy.

Takings Impact Assessment

No takings impact assessment is necessary because there is no proposed use of private real property as a result of the proposed new rule.

The requirement related to a rule increasing costs to regulated persons does not apply to the Texas State Board of Public Accountancy because the rule is being proposed by a self-directed semi-independent agency. (§2001.0045(c)(8))

Public Comment

Written comments may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 505 E. Huntland Dr., Suite 380, Austin, Texas 78752 or faxed to his attention at (512) 305-7854, no later than noon on August 26, 2024.

The Board specifically invites comments from the public on the issues of whether or not the proposed new rule will have an adverse economic effect on small businesses. If the proposed rule is believed to have an adverse effect on small businesses, estimate the number of small businesses believed to be impacted by the rule, describe and estimate the economic impact of the rule on small businesses, offer alternative methods of achieving the purpose of the rule; then explain how the Board may legally and feasibly reduce that adverse effect on small businesses considering the purpose of the statute under which the proposed rule is to be adopted; and finally, describe how the health, safety, environmental, and economic welfare of the state will be impacted by the various proposed methods. See Texas Government Code, §2006.002(c).

Statutory Authority

The new rule is proposed under the Public Accountancy Act ("Act"), Texas Occupations Code §901.151, which authorizes the Board to adopt rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by this proposed new rule.

§520.13. Documentation for the Examination Fee Financial Aid (EFFA) Program.

The applicant shall provide evidence of financial need by completing and submitting the board application form for the EFFA program.

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

Filed with the Office of the Secretary of State on July 11, 2024.

TRD-202403063

J. Randel (Jerry) Hill

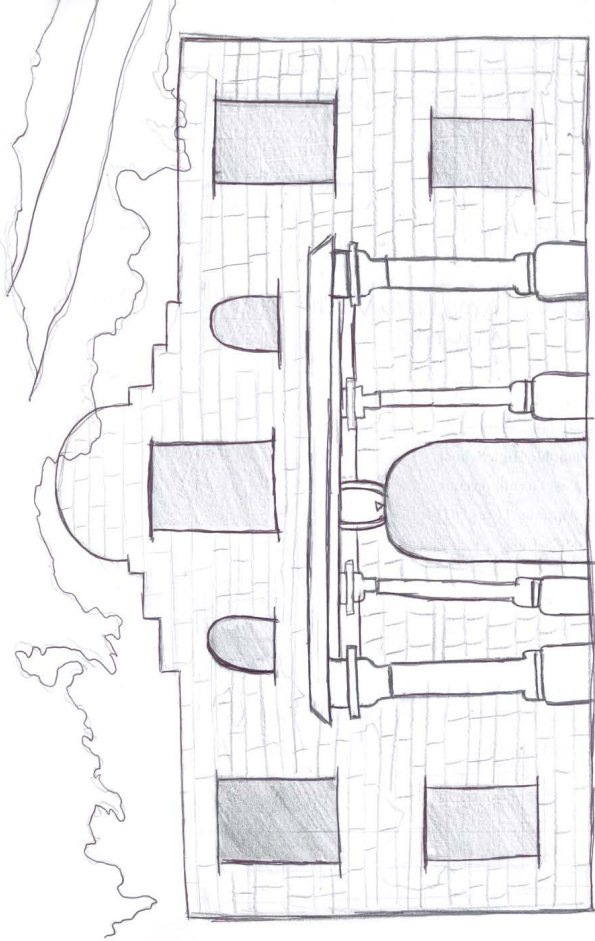
General Counsel

Texas State Board of Public Accountancy

Earliest possible date of adoption: August 25, 2024

For further information, please call: (512) 305-7842





WITHDRAWN RULES

Withdrawn Rules include proposed rules and emergency rules. A state agency may specify that a rule is withdrawn immediately or on a later date after filing the notice with the Texas Register. A proposed rule is withdrawn six months after the date of publication of the proposed rule in the Texas Register if a state agency has failed by that time to adopt, adopt as amended, or withdraw the proposed rule. Adopted rules may not be withdrawn. (Government Code, §2001.027)

TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 21. STUDENT SERVICES

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §21.4

The Texas Higher Education Coordinating Board withdraws proposed amendments to §21.4 which appeared in the January 26, 2024, issue of the *Texas Register* (49 TexReg 368).

Filed with the Office of the Secretary of State on July 15, 2024.

TRD-202403101

Nichole Bunker-Henderson

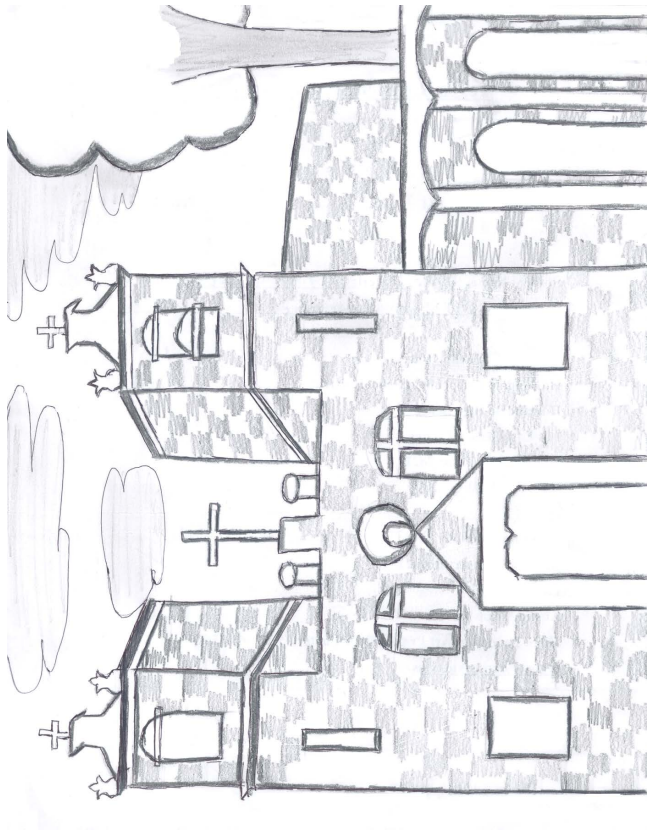
General Counsel

Texas Higher Education Coordinating Board

Effective date: July 15, 2024

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





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 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 74. CURRICULUM REQUIREMENTS

SUBCHAPTER B. GRADUATION REQUIREMENTS

19 TAC §74.12, §74.13

The State Board of Education (SBOE) adopts amendments to §74.12 and §74.13, concerning graduation requirements. The amendment to §74.12 is adopted without changes to the proposed text as published in the May 17, 2024 issue of the *Texas Register* (49 TexReg 3465) and will not be republished. The amendment to §74.13 is adopted with changes to the proposed text as published in the May 17, 2024 issue of the *Texas Register* (49 TexReg 3465) and will be republished. The amendments update titles of courses and career and technical education (CTE) career clusters, align all CTE programs of study with endorsements, and make technical edits.

REASONED JUSTIFICATION: In November 2020, the SBOE adopted revisions to the Texas Essential Knowledge and Skills (TEKS) for physical education (PE) with an effective date of August 1, 2022. The revisions to the TEKS for the high school PE courses revised the amount of credit available to one credit for each course. The adopted amendment to §74.12 makes a technical edit to update the amount of credit associated with these courses to one credit. Additionally, the adopted amendment revises the language for PE substitutions to align with the reduction in the number of high school PE courses.

At the November 2021 SBOE meeting, the board approved for second reading and final adoption revised CTE TEKS, which have historically been codified in 19 TAC Chapter 130. To accommodate the addition of these new courses and future courses, the SBOE took action to begin moving the CTE TEKS in Chapter 130 to existing 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, and to rename the chapter "Texas Essential Knowledge and Skills for Career Development and Career and Technical Education." CTE subchapters are being moved from Chapter 130 to Chapter 127 as the TEKS are revised by the SBOE. In November 2021, the board gave final approval to new 19 TAC Chapter 127, Subchapters G, I, J, M, and O. At the January 2022 SBOE meeting, the board took action to repeal the associated subchapters from Chapter 130 and move the sections to Chapter 127. In April 2022, the graduation requirements in 19 TAC §74.11 and §74.13 were updated to reflect the move of CTE TEKS from Chapter 130 to Chapter 127 and the new title for Chapter 127.

In November 2023, the board took action to approve revisions to the CTE TEKS for career preparation and entrepreneurship courses. The adopted amendment to §74.13 updates titles of CTE courses and career clusters to align with these revisions.

Texas recently refreshed state-level programs of study to ensure coherent and rigorous content with challenging academic standards and relevant career and technical content. Programs of study are aligned with state and regional labor market information, including high-wage, high-skill, and in-demand occupations. When the rule for endorsements was first adopted, programs of study were determined locally rather than at the state level. The adopted amendment to §74.13 ensures all programs of study are specifically aligned to an endorsement and eliminates language related to coherent sequences of CTE courses that is outdated.

The following changes were made since published as proposed.

Section 74.13(f)(6)(D) was amended by replacing the phrase "in addition to Algebra II, chemistry, and physics, a coherent sequence of three additional credits from no more than two of the categories or disciplines represented by subparagraphs (A), (B), and (C) of this paragraph" with the phrase "in addition to chemistry, physics, and Algebra II, one additional mathematics course listed in subsection (e)(2) of this section for which Algebra II is a prerequisite and one additional science course listed in subsection (e)(6) of this section."

Section §74.13(f)(7)(D), which would have allowed a student who entered high school in the 2022-2023 school year or later to earn a business and industry endorsement by completing the requirements in §74.13(e) and a coherent sequence of four credits from §74.13(f)(7)(A), (B), or (C), was deleted.

The SBOE approved the amendments for first reading and filing authorization at its April 12, 2024 meeting and for second reading and final adoption at its June 28, 2024 meeting.

In accordance with Texas Education Code, §7.102(f), the SBOE approved the amendments 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 districts of innovation that begin school prior to the statutorily required start date to implement the proposed rulemaking when they begin their school year. The effective date is August 1, 2024.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began May 17, 2024, and ended at 5:00 p.m. on June 17, 2024. The SBOE also provided an opportunity for registered oral and written comments at its June 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. Two teachers and one parent expressed concern that students are being asked to make career choices at a young age when they do not know what career they want to pursue. The commenters explained that districts are placing grade-level restrictions on introductory CTE courses, which prevents students from taking courses outside of their chosen program of study during a time when students should be exploring career options since it is less expensive in high school than during college.

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

Comment. One counselor and one administrator asked whether proposed changes to endorsements would negatively impact students by requiring a student to be a CTE completer versus earning four or more credits in CTE with at least two courses in the same program of study and one advanced course. The commenters asked whether a student in this situation must graduate under the Foundation High School Program without an endorsement.

Response. The SBOE provides the following clarification. The proposed amendment would require students to complete a program of study to earn an endorsement in business and industry, public services, and science, technology, engineering, and mathematics (STEM) beginning with students who entered Grade 9 in 2022-2023 or later. However, the multidisciplinary endorsement would continue to be an option and provide flexibility for non-completer students.

Comment. One counselor expressed support for adding options to earn an endorsement by completing a program of study but expressed opposition to removing students' flexibility to choose courses and explore careers. The commenter explained that students often want to change their programs of study, which makes it difficult to complete a program of study and graduate with an endorsement under the proposed rules.

Response. The SBOE disagrees that the proposed changes would make it difficult for a student who changes programs of study to earn an endorsement. The multidisciplinary endorsement would continue to be an option and provide flexibility for non-completer students.

Comment. One administrator and one teacher stated that skills covered in debate are fundamental communication skills needed in almost every career and should be included as a way to complete a CTE program of study.

Response. This comment is outside the scope of the proposed rulemaking. Additionally, the SBOE provides the following clarification. CTE programs of study are established by the Texas Education Agency (TEA), not the SBOE.

Comment. One teacher expressed support for the creation of a CTE program of study for speech communication that has a corresponding certification exam. The commenter stated that it was a disservice to remove speech from the graduation requirements and that hiring managers in every industry have expressed dissatisfaction with the communication skills shown by most high school graduates.

Response. This comment is outside the scope of the proposed rulemaking. Additionally, the SBOE provides the following clarification. CTE programs of study are established by TEA, not the SBOE.

Comment. One administrator asked whether the proposed amendment to 19 TAC §74.13(f)(6)(D) and (7)(D) for the STEM

and business and industry endorsements would allow a local education agency to determine a coherent sequence of courses from any of the CTE programs of study listed within those sections, such as two courses from civil engineering and two courses from electrical engineering.

Response. The SBOE provides the following clarification. Under the proposed rule, students would not be able to combine courses from different programs of study to earn the STEM endorsement under §74.13(f)(6)(D) or (7)(D). In response to this and other comments, the SBOE took action to clarify the rule by amending §74.13(f)(6)(D) to read, "in addition to chemistry, physics, and Algebra II, one additional mathematics course listed in subsection (e)(2) of this section for which Algebra II is a prerequisite and one additional science course listed in subsection (e)(6) of this section." The SBOE also took action to strike proposed §74.13(f)(7)(D), which would have allowed a student who entered high school in the 2022-2023 school year or later to earn a business and industry endorsement by completing the requirements in §74.13(e) and a coherent sequence of four credits from §74.13(f)(7)(A), (B), or (C).

Comment. One administrator expressed concern that to earn an endorsement, a student must complete a program of study.

Response. The SBOE disagrees and has determined that the completion of a program of study as one of multiple options to earn the STEM, business and industry, and public services endorsements is appropriate.

Comment. One administrator stated that it is difficult to keep up with the changes that are being made to programs of study, CTE program of study completer requirements, and college, career, and military readiness indicators. The commenter expressed concern that some of the proposed changes would be applied retroactively, affecting students in Grade 11, which would make it difficult for those students to meet the requirements to earn an endorsement.

Response. The SBOE disagrees and has determined that implementation of the proposed changes to the endorsements beginning with students who entered Grade 9 during the 2022-2023 school year provides sufficient time for rising juniors to complete a program of study.

Comment. One administrator expressed concern that under the proposed amendment, a student who completes a CTE engineering program of study would no longer be able to earn a business and industry endorsement. The commenter explained that the business and industry endorsement is currently an option for students who may complete a program of study in engineering but who do not satisfy the STEM endorsement.

Response. The SBOE disagrees. The proposed amendment includes an option for designated CTE completers in certain programs of study, including programs of study in engineering, to earn the business and industry endorsement if the mathematics and science requirements for the STEM endorsement are not met.

Comment. One administrator asked why, under the proposed amendment, some programs of study such as animal science would no longer satisfy a STEM endorsement.

Response. The SBOE provides the following clarification. Programs of study were identified for the different endorsement options based on the coursework required under each program of study.

Comment. One counselor expressed support for the proposed changes to endorsements. The commenter explained that current endorsement requirements are difficult to explain and that the streamlined proposed rule would be helpful.

Response. The SBOE agrees and took action to adopt proposed amendments to 19 TAC Chapter 74, Subchapter B, as amended.

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school program that are consistent with the required curriculum and requires the SBOE to designate specific courses that are required for the foundation high school program; TEC, §28.025(b-17), which requires the SBOE to adopt rules that ensure a student who successfully completes an advanced career and technical education course, including a course that may lead to an industry-recognized credential or certificate or an associate degree, may comply with elective requirements for graduation; and TEC, §28.025(c-1), which requires the SBOE to adopt rules regarding earning an endorsement.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §7.102(c)(4) and §28.025(a), (b-17), and (c-1).

§74.13. *Endorsements.*

(a) A student shall specify in writing an endorsement the student intends to earn upon entering Grade 9.

(b) A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated. This section does not entitle a student to remain enrolled to earn more than 26 credits.

(c) A student must earn at least 26 credits to earn an endorsement.

(d) A school district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in Chapters 110-117, 127, and 130 of this title are followed.

(e) To earn an endorsement a student must demonstrate proficiency in the following.

(1) The curriculum requirements for the Foundation High School Program as defined by §74.12 of this title (relating to Foundation High School Program).

(2) A fourth credit in mathematics that may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:

- (A) Algebra II;
- (B) Precalculus;
- (C) Advanced Quantitative Reasoning;
- (D) Independent Study in Mathematics;
- (E) Discrete Mathematics for Problem Solving;
- (F) Algebraic Reasoning;
- (G) Statistics;

(H) a comparable Advanced Placement (AP) mathematics course that does not count toward another credit required for graduation;

(I) AP Computer Science A;

(J) International Baccalaureate (IB) Computer Science Higher Level;

(K) Engineering Mathematics;

(L) Statistics and Business Decision Making;

(M) Mathematics for Medical Professionals;

(N) Discrete Mathematics for Computer Science;

(O) pursuant to the Texas Education Code (TEC), §28.025(b-5), after the successful completion of Algebra II, a mathematics course endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit. The Texas Education Agency (TEA) shall maintain a current list of courses offered under this subparagraph; and

(P) after the successful completion of Algebra I and Geometry, a locally developed mathematics course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1).

(3) A student may complete a course listed in paragraph (2) of this subsection before or after completing a course listed in §74.12(b)(2)(A) of this title.

(4) The fourth mathematics credit may be a college preparatory mathematics course that is developed and offered pursuant to the TEC, §28.014.

(5) The fourth mathematics credit may be satisfied with one credit of a two-credit IB mathematics course selected from Chapter 111 of this title (relating to Texas Essential Knowledge and Skills for Mathematics) that does not count toward another credit required for graduation.

(6) An additional credit in science that may be selected from one full credit or a combination of two half credits from two different courses, subject to prerequisite requirements, from the following courses:

(A) Chemistry;

(B) Physics;

(C) Aquatic Science;

(D) Astronomy;

(E) Earth Systems Science;

(F) Environmental Systems;

(G) Specialized Topics in Science;

(H) a comparable AP science course that does not count toward another credit required for graduation;

(I) Advanced Animal Science;

(J) Advanced Plant and Soil Science;

(K) Anatomy and Physiology;

(L) Medical Microbiology;

(M) Pathophysiology;

- (N) Food Science;
- (O) Forensic Science;
- (P) Biotechnology I;
- (Q) Biotechnology II;
- (R) Principles of Technology;
- (S) Scientific Research and Design;
- (T) Engineering Design and Problem Solving;
- (U) Engineering Science;

(V) pursuant to the TEC, §28.025(b-5), after the successful completion of physics, a science course endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit. The TEA shall maintain a current list of courses offered under this subparagraph;

(W) a locally developed science course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate that is developed pursuant to the TEC, §28.002(g-1);

(X) pursuant to the TEC, §28.025(c-3), a student pursuing an arts and humanities endorsement who has the written permission of the student's parent or a person standing in parental relation to the student may substitute a course that is not being used to satisfy another specific graduation requirement selected from:

- (i) Chapter 110 of this title (relating to Texas Essential Knowledge and Skills for English Language Arts and Reading);
- (ii) Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies);
- (iii) Chapter 114 of this title (relating to Texas Essential Knowledge and Skills for Languages Other Than English); or
- (iv) Chapter 117 of this title (relating to Texas Essential Knowledge and Skills for Fine Arts); and

(Y) credit may not be earned for both physics and Principles of Technology to satisfy science credit requirements.

(Z) The fourth science credit may be satisfied with one credit of a two-credit IB science course selected from Chapter 112 of this title (relating to Texas Essential Knowledge and Skills for Science) that does not count toward another credit required for graduation.

(7) Two additional elective credits that may be selected from the list of courses specified in §74.11(g) or (h) of this title (relating to High School Graduation Requirements).

(f) A student may earn any of the following endorsements.

(1) Science, technology, engineering, and mathematics (STEM). Students who entered high school prior to the 2022-2023 school year may earn a STEM endorsement by completing the requirements specified in subsection (e) of this section, including Algebra II, chemistry, and physics or Principles of Technology and:

(A) a coherent sequence of courses for four or more credits in career and technical education (CTE) that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title (relating to Texas Essential Knowledge and Skills for Career and Technical Education), Chapter 127 of this title (relating to Texas Essential Knowledge and Skills for Career Development and Career and Technical Education), or CTE innovative courses. The final course in the

sequence must be selected from Chapter 127, Subchapter O, of this title (relating to Science, Technology, Engineering, and Mathematics) or Career Preparation I or II (Career Preparation General or Career Preparation for Programs of Study) and Project-Based Research (Career and Technical Education Project-Based Capstone) in Chapter 127, Subchapter B, of this title (relating to High School), if the course addresses a STEM-related field;

(B) courses required to complete a TEA-designated program of study related to STEM;

(C) three credits in mathematics by successfully completing Algebra II and two additional mathematics courses for which Algebra II is a prerequisite by selecting courses from subsection (e)(2) of this section;

(D) four credits in science by successfully completing chemistry, physics, and two additional science courses by selecting courses from subsection (e)(6) of this section; or

(E) in addition to Algebra II, chemistry, and physics, a coherent sequence of three additional credits from no more than two of the categories or disciplines represented by subparagraphs (A), (B), (C), and (D) of this paragraph.

(2) Business and industry. Students who entered high school prior to the 2022-2023 school year may earn a business and industry endorsement by completing the requirements specified in subsection (e) of this section and:

(A) a coherent sequence of courses for four or more credits in CTE that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title, Chapter 127 of this title, or CTE innovative courses. The final course in the sequence must be selected from one of the following:

- (i) Chapter 127, Subchapter C, of this title (relating to Agriculture, Food, and Natural Resources);
- (ii) Chapter 130, Subchapter A, of this title (relating to Agriculture, Food, and Natural Resources);
- (iii) Chapter 130, Subchapter B, of this title (relating to Architecture and Construction);
- (iv) Chapter 130, Subchapter C, of this title (relating to Arts, Audio/Video Technology, and Communications);
- (v) Chapter 127, Subchapter F, of this title (relating to Business, Marketing, and Finance);
- (vi) Chapter 130, Subchapter D, of this title (relating to Business Management and Administration);
- (vii) Chapter 130, Subchapter F, of this title (relating to Finance);
- (viii) Chapter 127, Subchapter J, of this title (relating to Hospitality and Tourism);
- (ix) Chapter 130, Subchapter K, of this title (relating to Information Technology);
- (x) Chapter 130, Subchapter M, of this title (relating to Manufacturing);
- (xi) Chapter 130, Subchapter N, of this title (relating to Marketing);
- (xii) Chapter 127, Subchapter P, of this title (relating to Transportation, Distribution, and Logistics);

(xiii) Chapter 130, Subchapter P, of this title (relating to Transportation, Distribution, and Logistics);

(xiv) Chapter 130, Subchapter Q, of this title (relating to Energy); or

(xv) Career Preparation I or II (Career Preparation General or Career Preparation for Programs of Study) and Project-Based Research (Career and Technical Education Project-Based Capstone) in Chapter 127, Subchapter B, of this title if the course addresses a career from a field listed in clauses (i)-(xiv) of this subparagraph;

(B) courses required to complete a TEA-designated program of study related to business and industry;

(C) four English credits by selecting courses from Chapter 110 of this title to include three levels in one of the following areas:

(i) public speaking;

(ii) debate;

(iii) advanced broadcast journalism;

(iv) advanced journalism: newspaper;

(v) advanced journalism: yearbook; or

(vi) advanced journalism: literary magazine; or

(D) a coherent sequence of four credits from subparagraph (A), (B), or (C) of this paragraph.

(3) Public services. Students who entered high school prior to the 2022-2023 school year may earn a public services endorsement by completing the requirements specified in subsection (e) of this section and:

(A) a coherent sequence of courses for four or more credits in CTE that consists of at least two courses in the same career cluster and at least one advanced CTE course. The courses may be selected from Chapter 130 of this title, Chapter 127 of this title, or CTE innovative courses. The final course in the sequence must be selected from one of the following:

(i) Chapter 127, Subchapter G, of this title (relating to Education and Training);

(ii) Chapter 127, Subchapter I, of this title (relating to Health Science);

(iii) Chapter 130, Subchapter J, of this title (relating to Human Services);

(iv) Chapter 127, Subchapter M, of this title (relating to Law and Public Service); or

(v) Career Preparation I or II (Career Preparation General or Career Preparation for Programs of Study) and Project-Based Research (Career and Technical Education Project-Based Capstone) in Chapter 127, Subchapter B, of this title if the course addresses a field from a cluster listed in clauses (i)-(v) of this subparagraph;

(B) courses required to complete a TEA-designated program of study related to public services; or

(C) four courses in Junior Reserve Officer Training Corps (JROTC).

(4) Arts and humanities. A student may earn an arts and humanities endorsement by completing the requirements specified in subsection (e) of this section and:

(A) five social studies credits by selecting courses from Chapter 113 of this title; or

(B) four levels of the same language in a language other than English by selecting courses in accordance with Chapter 114 of this title, which may include Advanced Language for Career Applications; or

(C) two levels of the same language in a language other than English and two levels of a different language in a language other than English by selecting courses in accordance with Chapter 114 of this title; or

(D) four levels of American sign language by selecting courses in accordance with Chapter 114 of this title; or

(E) a coherent sequence of four credits by selecting courses from one or two categories or disciplines in fine arts from Chapter 117 of this title or innovative courses approved by the commissioner; or

(F) four English credits by selecting from the following:

(i) English IV; or

(ii) Independent Study in English; or

(iii) Literary Genres; or

(iv) Creative Writing; or

(v) Research and Technical Writing; or

(vi) Humanities; or

(vii) Communication Applications; or

(viii) AP English Literature and Composition; or

(ix) AP English Language and Composition; or

(x) IB Language Studies A: Language and Literature Standard Level; or

(xi) IB Language Studies A: Language and Literature Higher Level; or

(xii) IB Language Studies A: Literature Standard Level; or

(xiii) IB Language Studies A: Literature Higher Level; or

(xiv) IB Literature and Performance Standard Level.

(5) Multidisciplinary studies. A student may earn a multidisciplinary studies endorsement by completing the requirements specified in subsection (e) of this section and:

(A) four advanced courses that prepare a student to enter the workforce successfully or postsecondary education without remediation from within one endorsement area or among endorsement areas that are not in a coherent sequence; or

(B) four credits in each of the four foundation subject areas to include chemistry and/or physics and English IV or a comparable AP or IB English course; or

(C) four credits in Advanced Placement, International Baccalaureate, or dual credit selected from English, mathematics, science, social studies, economics, languages other than English, or fine arts.

(6) STEM. Students who entered high school in the 2022-2023 school year or later may earn a STEM endorsement by completing

the requirements specified in subsection (e) of this section, including Algebra II, chemistry, and physics or Principles of Technology and:

(A) courses required to be designated a CTE completer in one of the following TEA-approved programs of study related to STEM:

- (i) biomedical sciences;
- (ii) civil engineering;
- (iii) cybersecurity;
- (iv) electrical engineering;
- (v) engineering foundations;
- (vi) geospatial engineering and land surveying;
- (vii) mechanical and aerospace engineering;
- (viii) networking systems;
- (ix) nursing science;
- (x) programming and software development;
- (xi) renewable energy;
- (xii) robotics and automation technology; or
- (xiii) web development;

(B) three credits in mathematics by successfully completing Algebra II and two additional mathematics courses for which Algebra II is a prerequisite by selecting courses from subsection (e)(2) of this section;

(C) four credits in science by successfully completing chemistry, physics, and two additional science courses by selecting courses from subsection (e)(6) of this section; or

(D) in addition to chemistry, physics, and Algebra II, one additional mathematics course listed in subsection (e)(2) of this section for which Algebra II is a prerequisite and one additional science course listed in subsection (e)(6) of this section.

(7) Business and industry. Students who entered high school in the 2022-2023 school year or later may earn a business and industry endorsement by completing the requirements specified in subsection (e) of this section and:

(A) courses required to be designated a CTE completer in one of the following TEA-approved programs of study related to business and industry:

- (i) accounting and financial services;
- (ii) agriculture business, leadership, and communications;
- (iii) agricultural technology and mechanical systems;
- (iv) animal science;
- (v) architectural drafting and design;
- (vi) automotive and collision repair;
- (vii) aviation maintenance;
- (viii) aviation pilots;
- (ix) business management;
- (x) carpentry;
- (xi) construction management and inspection;

- (xii) cosmetology;
- (xiii) culinary arts;
- (xiv) diesel and heavy equipment maintenance and commercial drivers;

- (xv) digital communications;
- (xvi) distribution, logistics, and warehousing;
- (xvii) drone (unmanned vehicle);
- (xviii) electrical;
- (xix) entrepreneurship;
- (xx) environmental and natural resources;
- (xxi) food science and technology;
- (xxii) graphic design and interactive media;
- (xxiii) HVAC and sheet metal;
- (xxiv) industrial maintenance;
- (xxv) information technology support and services;
- (xxvi) lodging and resort management;
- (xxvii) manufacturing technology;
- (xxviii) maritime;
- (xxix) marketing and sales;
- (xxx) masonry;
- (xxxi) oil and gas exploration and production;
- (xxxii) plant science;
- (xxxiii) plumbing and pipefitting;
- (xxxiv) printing and imaging;
- (xxxv) real estate;
- (xxxvi) refining and chemical processes;
- (xxxvii) retail management;
- (xxxviii) travel, tourism, and attractions; or
- (xxxix) welding;

(B) courses required to be designated a CTE completer in one of the following TEA-approved programs of study related to business and industry, if the mathematics and science requirements for the STEM endorsement are not met:

- (i) civil engineering;
- (ii) cybersecurity;
- (iii) electrical engineering;
- (iv) engineering foundations;
- (v) geospatial engineering and land surveying;
- (vi) mechanical and aerospace engineering;
- (vii) networking systems;
- (viii) programming and software development;
- (ix) renewable energy;
- (x) robotics and automation technology; or
- (xi) web development; or

(C) four English credits by selecting courses from Chapter 110 of this title to include three levels in one of the following areas:

- (i) public speaking;
- (ii) debate;
- (iii) advanced broadcast journalism;
- (iv) advanced journalism: newspaper;
- (v) advanced journalism: yearbook; or
- (vi) advanced journalism: literary magazine.

(8) Public services. Students who entered high school in the 2022-2023 school year or later may earn a public services endorsement by completing the requirements specified in subsection (e) of this section and:

(A) courses required to be designated a CTE completer in one of the following TEA-approved programs of study related to public services:

- (i) biomedical science, if the mathematics and science requirements for the STEM are not met;
- (ii) diagnostic and therapeutic services;
- (iii) early learning;
- (iv) exercise science, wellness, and restoration;
- (v) family and community services;
- (vi) fire science;
- (vii) government and public administration;
- (viii) health and wellness;
- (ix) health informatics;
- (x) law enforcement;
- (xi) legal studies;
- (xii) nursing science, if the mathematics and science requirements for the STEM are not met; or
- (xiii) teaching and training; or

(B) four courses in Junior Reserve Officer Training Corps (JROTC).

(g) A course completed as part of the set of four courses needed to satisfy an endorsement requirement may also satisfy a requirement under §74.12(b) and (c) of this title and subsection (e)(2), (4), (5), and (6) of this section, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

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

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Texas Education Agency

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CHAPTER 89. ADAPTATIONS FOR SPECIAL POPULATIONS

The Texas Education Agency (TEA) adopts amendments to §§89.1011, 89.1040, 89.1050, 89.1055, and 89.1131, concerning clarification of special education provisions in federal regulations and state law and special education and related service personnel. The amendments are adopted with changes to the proposed text as published in the March 22, 2024 issue of the *Texas Register* (49 TexReg 1820) and will be republished. The adopted amendments implement House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023, and codify current program practices. Changes were made to the rules since published as proposed.

REASONED JUSTIFICATION: Section 89.1011 defines the criteria for school districts conducting full individual and initial evaluations (FIEs) to determine eligibility for special education and related services.

Changes adopted throughout §89.1011 clarify the evaluation process and address HB 3928, 88th Texas Legislature, Regular Session, 2023.

The adopted amendment to §89.1011(a) clarifies terms and establishes one new expectation. The adopted amendment includes using the term "multi-tiered system of academic and behavioral supports" in place of an overall referral or screening system and aligns terms and text style within the subsection.

Based on public comment, subsection (a) has been changed at adoption to strengthen clarification that school districts cannot require participation in intervention for a certain period of time and retain the language "experience difficulty in the general education classroom." Also based on public comment, a requirement to refer a student at any time for an FIE if district personnel suspect a disability and possible need for special education and related services was added. A new requirement has been added that a student must continue to receive any necessary interventions and support services while an FIE is being conducted, which has been standard practice.

The Texas Education Code (TEC) requires a school district to respond in a certain way when a parent submits a written request to the district's director of special education services or to a district administrative employee. Section 89.1011(b) has been modified to add campus principals as examples of district administrative employees. The Overview of Special Education for Parents form was created by TEA to comply with HB 3928. While the form is only required by law for suspicions of dyslexia, the adopted amendment to §89.1011(b)(1) and (2) adds this requirement for suspicions of any disability.

New §89.1011(c) establishes what is required when a school district initiates the referral for an FIE of a student.

Information from §89.1011(d) has been removed, as new subsection (g) addresses the same topic.

TEC, §29.004, outlines the timeline for the completion of FIEs. Section 89.1011(e) has been amended to more clearly describe the requirements of state law when parental consent is received less than 45 school days before the last instructional day of the school year.

New §89.1011(g) establishes timelines for the admission, review, and dismissal (ARD) committee to make decisions

regarding a student's eligibility determination and, if appropriate, an individualized education program (IEP) and placement within 30 calendar days of the completed FIIE report. The adopted amendment also specifies that if the 30th day falls in the summer when school is not in session, the ARD committee must meet no later than the 15th day of school the next school year. If extended school year services are indicated as a need in a report, however, the ARD committee will need to meet as soon as possible after completion of the report.

Based on public comment, new §89.1011(h) has been changed at adoption. As proposed, the subsection established that a copy of the written FIIE report must be provided to the parent no later than when the initial ARD committee invitation is sent to the parent, or no later than June 30 if subsection (e)(1) of the section applies. The modified language requires a copy of the written FIIE report be provided to the parent as soon as possible after completion of the report but no later than five school days prior to the initial ARD committee meeting, or no later than June 30 if subsection (e)(1) of the section applies.

Section 89.1011(i) establishes the meaning of a school day for year-round schools, as authorized under TEC, §29.004.

The adopted amendment to §89.1011(j) clarifies that student absences are those categorized as absences under the *Student Attendance Accounting Handbook*.

Section 89.1040 establishes eligibility criteria.

Changes are adopted throughout §89.1040 for clarification and to align more closely with law.

Section 89.1040(c)(1), regarding autism eligibility, has been amended to remove references to pervasive developmental disorder, as this diagnosis is no longer used, and update the areas of recommendations that an evaluation report contains.

Based on public comment, §89.1040(c)(1) has been changed at adoption to add that a determination of whether a student meets the criteria for autism cannot require the student to meet requirements for a medical/psychological diagnosis of autism and that the absence of other characteristics often associated with autism, as listed in 34 Code of Federal Regulations (CFR), §300.8(c)(1), does not exclude a student from meeting eligibility. Also based on public comment, the term "positive" has been added at adoption to modify behavioral interventions and strategies.

Based on the receipt of a petition to adopt a rule change, §89.1040(c)(3)(A) has been amended to remove the eligibility requirement for deaf or hard of hearing to include an ontological examination performed by an otolaryngologist. In addition, the subsection amended to include the completion of a communication assessment to align with current practice. Based on public comment, the term amplification was changed at adoption to "hearing assistive technology."

In 26 Texas Administrative Code (TAC) §350.809, regarding eligibility for early childhood intervention (ECI) services, the rule states that a child is eligible for ECI if he or she meets the criteria for deaf or hard of hearing as defined in §89.1040. Because §89.1040(c)(3) reflects the definition used in the Individuals with Disabilities Education Act (IDEA), Part B, for children age three and older, rather than Part C for those under the age of three, and because children under the age of three who are deaf or hard of hearing or who have a visual impairment are eligible for state special education funding, §89.1040(c)(3)(B) has been amended to reference when a child under the age of three can

be determined eligible by a local educational agency (LEA) for the deaf or hard of hearing eligibility category. Based on public comment, §89.1040(c)(3)(B) has been changed at adoption to more closely align with IDEA, Part C, eligibility criteria of infant or toddler with disability.

Based on requests from various stakeholders, the name of the emotional disturbance disability category was proposed to change to emotional/behavioral disability. Based on public comment, the name has been changed at adoption to emotional disability and changes to the name have been made throughout.

Adopted language also specifies that emotional disability is considered synonymous with the term emotional disturbance and serious emotional disturbance, as those terms are used in federal and state law.

Section 89.1040(c)(6), regarding multiple disabilities, has been amended to align with the definition more closely in federal law.

In the eligibility categories of orthopedic impairment in §89.1040(c)(7), other health impairment in §89.1040(c)(8), and traumatic brain injury in §89.1040(c)(11), the proposed amendment referenced the requirement for certain medical professionals to provide information, rather than be an official part of the multidisciplinary team. Based on public comment, the sentences have been restructured at adoption and, for orthopedic impairment and traumatic brain injury, the eligibilities must include a medical diagnosis provided by a licensed physician. A student's eligibility for other health impairment must include identification or confirmation of the student's chronic or acute health problem provided by the listed medical professionals.

Section 89.1040(c)(9), regarding eligibility as a student with a specific learning disability, is amended based on both HB 3928 and for clarification. The changes include the following. Repeated performance on progress monitoring measures have been added as another example of a measure that can be reviewed to determine if a student is achieving adequately. Language has been added that written expression may include the identification of dysgraphia, and basic reading skill and reading fluency skills may include the identification of dyslexia. Clarification has been added that a significant variance among specific areas of cognitive function or between specific areas of cognitive function and academic achievement is not a requirement for determining the presence of a specific learning disability. New subparagraph (G) has been added to address specific requirements related to suspicions and identification of dyslexia or dysgraphia. Based on public comment, changes have been made at adoption to include current terminology referencing a general education teacher rather than regular teacher and reword §89.1040(c)(9)(G)(i) to "when the specific learning disability of dyslexia is suspected."

Based on public comment, proposed revisions to add the statutory requirement of the expanded core curriculum in §89.1040(c)(12), regarding visual impairment, are removed at adoption. TEA has determined that more technical assistance needs to be provided on this topic before adding it to rule.

Section 89.1040(c)(12) has been revised to remove redundant information about orientation and mobility specialists, as these specialists must be certified and part of the team as required by statute and it is unnecessary to repeat this requirement in administrative rule. In 26 TAC §350.809, regarding eligibility for ECI services, the rule states that a child is eligible for ECI if he or she meets the criteria for a visual impairment as defined in §89.1040. Because §89.1040(c)(12)(A) reflects the definition used in IDEA,

Part B, for children age three and older, rather than Part C for those under the age of three, and because children under the age of three who are deaf or hard of hearing or who have a visual impairment are eligible for state special education funding, §89.1040(c)(12)(C) has been amended to reference when a child under the age of three can be determined eligible by an LEA for the visual impairment eligibility category. Based on public comment, §89.1040(c)(12)(C) has been changed at adoption to be applicable to a child under three to more closely mirror the IDEA, Part C, definition of infant or toddler with a disability.

IDEA and its corresponding federal regulations allow states to use the disability category of developmental delay. If states choose to use this category, they may not require LEAs to use it. However, if an LEA uses this category, the LEA must comply with the eligibility requirements set by the state. Texas has historically not used the eligibility category of developmental delay but has used a category called "noncategorical," also known as "noncategorical early childhood." This is defined as a child between the ages of three and five who is evaluated as having an intellectual disability, an emotional disturbance, a specific learning disability, or autism. The adopted amendment adds new §89.1040(c)(13) to officially establish the state's definition of developmental delay and prescribe how LEAs will use this eligibility category should they choose to do so. A transition period is included with the amendment to phase out the category of noncategorical. Based on public comment, the age ranges have been changed at adoption from 3-5 to 3-9.

Section 89.1050 describes roles and duties of the ARD committee.

Section 89.1050(a) is amended to add TEC, §37.004 and §37.307, to reflect duties for which the ARD committee is responsible.

An adopted amendment to §89.1050(c), regarding committee membership, includes the addition of a cross reference to federal regulations for the definition of parent and clarifications regarding current terminology.

Based on public comment, a new subparagraph (D) has been added to §89.1050(c)(3) at adoption to include criteria for an ARD committee determining initial or continuing eligibility of a student who is suspected or identified with dyslexia.

Section 89.1050(g), (i), and (j) have been removed and included, with changes, in §89.1055, where those provisions are more appropriately addressed.

Section 89.1050(k) has been removed, as the subsection restates law and is unnecessary to repeat in administrative rule.

Section 89.1055 addresses the content of the IEP. To better align with the provisions included in this rule, the title has been changed to Individualized Education Program.

Section 89.1055(a) has been amended to include a reference to TEC, §29.0051, to clarify that an IEP must also contain any state-imposed requirements in addition to the federal requirements that are already listed.

To align with how TEA monitors IEP compliance, new §89.1055(b) addresses how TEA will determine if a measurable annual goal is present in an IEP. The new subsection also includes information regarding when short-term objectives/benchmarks are required and how those relate to annual goals.

New §89.1055(d) requires the inclusion of TEA's alternate assessment participation form in a student's IEP to comply with the required statements when an ARD committee has determined that a student will not participate in the general statewide assessment. Based on public comment §89.1055(c) and (d) were reorganized at adoption so that the alternate participation form is more closely aligned with the alternate eligibility statement.

Amendments to §89.1055(g) clarify expectations and terminology within the autism supplement. Based on public comment, the phrase "at least annually" was added to §89.1055(g) at adoption and the phrase "is implemented and reviewed in accordance with subsection (j)" was added to subsection (g)(4)(B). Additionally, the phrases "learning and training" and "including self-determination and self-advocacy skills" was added at adoption to subsection (g)(5).

Based on public comment, new §89.1055(i) has been added at adoption to require that IEP's for students identified with the specific learning disability of dyslexia or a related disorder be developed and implemented in accordance with the requirements under 19 TAC §74.28, Students with Dyslexia and Related Disorders, including any handbook adopted in the rule.

Based on requests from stakeholders to clarify the expectations related to the state transition requirements found in TEC, §29.011 and §29.0111, that begin at 14 years of age and the federal requirements for transition that begin no later than 16 years of age, TEA has aligned all transition requirements with 14 years of age as authorized in TEC, §29.011 and §29.0111. The following changes to §89.1055 address the alignment. References have been removed from subsection (k) to reflect a student being at least 18 years of age and added to another subsection so that subsection (k) is focused on the requirements that happen not later than the first IEP to take effect when the student turns 14 years of age. Employment and independent living goals and objectives have been removed from subsection (k). Although these are listed as state transition requirements, they are already adequately addressed in the federal requirements. New subsection (l) address the federal transition requirements and align those requirements to begin no later than the first IEP to be in effect when the student turns 14 years of age. Subsections (k) and (l) are separated because state requirements in TEC, §29.011, require these areas to be "considered and addressed, if appropriate," and the federal requirements described in subsection (l) require them to be included in a student's IEP. New subsection (m) clarifies that state requirements for employment and independent living goals and objectives will be addressed within the goals required under subsection (l). Subsection (n) has been modified to include the required provisions that apply once a student is 18. New subsection (o) has been added to address the requirement for the ARD committee to review certain issues at least annually. The language is similar to an existing requirement and is being moved from a subsection proposed for deletion to allow this requirement to be organized with transition requirements.

New §89.1055(p), addresses the requirements for all members of the ARD committee to participate in a collaborative manner, adds language from §89.1050 with no changes to rule text.

New §89.1055(r), which addresses the requirements for translations of student IEPs, adds language from §89.1050 with no changes to rule text.

New §89.1055(s) adds modified language from §89.1050. Clarifications have been made related to students who transfer to

a new school district from an in-state or out-of-state district. In addition, based on recent federal guidance on serving students who are highly mobile, additional text regarding extended school year services being considered a comparable service has been added. Within this same guidance, students who registered in new districts over the summer months are viewed the same as students who transferred during the school year. To reflect that guidance, changes clarify that school districts will follow the same processes for students who register in the summer as those who transfer during the school year, depending on whether the student is coming from an in-state or out-of-state district.

Section 89.1131 establishes qualifications of special education, related service, and paraprofessional personnel.

New §89.1131(b) establishes that a provider of dyslexia instruction is not required to be certified in special education unless employed in a special education position requiring certification.

Language related to the special education endorsement for early childhood education for students with disabilities has been removed as the endorsement is no longer issued.

Section 89.1131(c)(4) clarifies the provisions for physical education when an ARD committee has determined that a student needs specially designed instruction in physical education.

Language related to secondary certification with the generic delivery system has been removed as the certification is no longer issued.

Based on public comment, the phrase "working as educational aides" was added to §89.1131(d) at adoption to clarify the terms paraprofessional personnel and educational aides.

Section 89.1131(e) has been modified to delete references to the Department of Assistive and Rehabilitative Services (DARS) or Office for Deaf and Hard of Hearing Services (DHHS), as this department and office have been consolidated into the Health and Human Services Commission.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began March 22, 2024, and ended April 22, 2024, and included public hearings on April 8 and 10, 2024. Following is a summary of the public comments received and agency responses.

§89.1011, Full Individual and Initial Evaluation

Comment: Disability Rights Texas (DRTx) and Texans for Special Education Reform (TxSER) commented that subsection (a) should retain the text regarding a general education referral and screening system.

Response: The agency disagrees. The text replacing this phrase is a more accurate and comprehensive description of the supports that need to be in place for all students, which would include referrals and screenings where necessary and appropriate.

Comment: DRTx and TxSER commented that the text referencing continued difficulty in the general classroom should be retained.

Response: The agency agrees that the proposed replacement text regarding not making expected progress may be misinterpreted. At adoption, the proposed text has been replaced with similar language that was previously in place referring to a student who continues to "experience difficulty in the general education classroom."

Comment: TxSER commented that the terminology around not requiring a student to participate in interventions and supports for a certain period of time should be written more affirmatively.

Response: The agency agrees and has changed the text in subsection (a) at adoption to reference that the school district cannot require a student to participate in interventions and support services for any specific length of time prior to a referral being made or an FIIE conducted.

Comment: TxSER commented that the end of subsection (a) referring to the continuation of interventions and support services while an FIIE is being conducted be changed to "academic or educational needs" rather than "academic or behavioral needs."

Response: The agency disagrees since academic and behavioral supports are referred to earlier in the subsection.

Comment: The Arc of Texas supports the clarification that students must continue to receive any necessary interventions and support services to target their academic or behavioral needs while an FIIE is being conducted.

Response: The agency agrees.

Comment: An individual commented that subsection (a) should contain a reference to the two prongs of special education when a referral is being considered, which are the suspicion of a disability and the need for special education and related services.

Response: The agency agrees but stresses that these prongs of referral consideration and eligibility apply regardless of them being included in the rule. However, for clarity, at adoption, subsection (a) has been modified to reflect that a referral is required at any time district personnel suspect a disability and a possible need for special education and related services.

Comment: The Texas Council of Administrators of Special Education (TCASE) commented that it was unclear whether the mention of "multi-tiered system of academic and behavioral supports" is different from the general term multi-tiered system of supports and suggested keeping terminology that districts are used to.

Response: The agency disagrees and provides the following clarification. The terms are the same, but the agency has determined that it is important to clarify in rule that this system of support includes both academic and behavioral difficulties.

Comment: TxSER and one individual commented in support of adding an example of district personnel to whom a request for evaluation can be submitted in subsection (b).

Response: The agency agrees.

Comment: The Arc of Texas commented in support of the "Overview of Special Education for Parents" form being given to parents once a request or referral is made for a special education evaluation.

Response: The agency agrees.

Comment: Seven individuals and TCASE commented in support of the change to allow up to 15 school days to hold an initial ARD committee meeting when the 30th calendar day falls in the summer.

Response: The agency agrees.

Comment: TxSER, DRTx, and Autism Speaks disagreed with the change to allow for 15 school days to hold an initial admission, review, and dismissal (ARD) committee meeting if a referral for special education was made between 35 and 45 days

of school remaining in the school year but the student incurred three or more absences during this time. The commenters recommended keeping the requirement to have the ARD meeting by the beginning of the year.

Response: The agency disagrees. While the agency believes that the initial ARD committee meeting should be held as soon as possible, the agency disagrees with keeping the requirement to hold the ARD committee meeting by the beginning of the school year, noting that local education agencies (LEAs) have a five-school-day notice requirement, which cannot be accomplished with a requirement to hold a meeting by the beginning of the school year without a parent waiving that required notice.

Comment: TxSER supported the requirement to give a copy of the evaluation report to parents earlier than the ARD committee.

Response: The agency disagrees, as, based on other public comments, the agency has revised the text to change this requirement at adoption.

Comment: The Texas Association of School Psychologists (TASP), TCASE, and 108 individuals commented that the proposed amendment to require a copy of the evaluation report be given to parents no later than when the initial ARD committee meeting invitation is sent would be difficult to implement, with the primary reason being that those notices/invitations go out well in advance of an evaluation report being completed.

Response: The agency agrees and has revised subsection (h) at adoption to require that a copy of the evaluation report be given to parents as soon as possible after completion but no later than five school days prior to the initial ARD committee meeting.

Comment: One individual requested that the agency mandate verbal explanations of the evaluation report to parents.

Response: The agency disagrees. While the agency agrees that an explanation by the evaluator to parents is extremely important, the agency disagrees that this is necessary to add to the rule.

Comment: Three individuals commented in support of providing a parent a copy of the written FIIE no later than when the initial ARD committee invitation is sent or no later than June 30, if applicable.

Response: The agency provides the following clarification. Based on other public comment, §89.1011(h) was modified at adoption to specify that a copy of the written FIIE report must be provided to the parent as soon as possible after completion of the report but no later than five school days prior to the initial ARD committee meeting, or not later than June 30.

Comment: One individual commented that evaluations due on June 30 should not be required to be given to parents until after that date.

Response: The agency disagrees. State law requires that both the evaluation and a copy of the report be given to parents by June 30 in these circumstances.

Comment: An administrator asked for clarification about how to determine absences in relation to subsection (j).

Response: The comment is outside the scope of the proposed rulemaking, but the agency will determine what technical assistance is required once the rules are in effect.

Comment: The Arc of Texas recommended that a referral to the local intellectual and developmental disability authority be made when an FIIE finding of intellectual disability is written.

Response: The agency disagrees, as this change would require additional time for public comment. Text at this time regarding this type of referral.

§89.1040, Eligibility Criteria

Comment: TASP and 62 individuals commented in support of incorporating the term "school psychologist" where licensed specialist in school psychology is mentioned.

Response: The agency agrees.

Comment: Twenty-two individuals commented in support of removing references to pervasive developmental disorder regarding autism eligibility.

Response: The agency agrees.

Comment: One individual commented, regarding autism eligibility, that the rule should clarify that the medical diagnosis of autism is different than the educational identification of autism and that the characteristics listed in the federal regulations of what often displays in individuals with autism should be clarified in the rule as not being a required list or an exhaustive list.

Response: The agency agrees that clarification may be beneficial to the rule. At adoption, subsection (c)(1) has been revised to state that a determination of whether a student meets the criteria for autism cannot require that a student meets the medical/psychological diagnosis of autism, nor can the absence of the characteristics listed in the federal regulations as often occurring in individuals with autism exclude a student from meeting eligibility for autism.

Comment: Two individuals and TxSER commented in support of adding communication and social interaction to the autism evaluation report.

Response: The agency agrees.

Comment: DRTx, TxSER, the Arc of Texas, Autism Speaks, and the Autism Society of Texas requested to add "positive" to behavioral interventions and supports regarding autism eligibility and the evaluation report, as well as considerations of the eleven elements of the state's autism supplement as appropriate.

Response: The agency agrees in part and disagrees in part. The agency agrees to add the word "positive" to behavioral interventions and strategies and has modified §89.1040(c)(1) accordingly at adoption. However, the agency disagrees with adding reference to all strategies in the autism supplement, as all of the strategies may not be relevant for an initial evaluation report.

Comment: A lead school psychologist requested clarification on whether the required written report of evaluation for autism applies to students who did not qualify.

Response: The comment is outside the scope of proposed rulemaking.

Comment: Autism Speaks requested to add a reference to the Autism Supplement by name.

Response: The agency disagrees with adding specific reference to the autism supplement, as the term of art is not as important as the required strategies being included in the IEP.

Comment: TxSER and Autism Speaks commented that expanded core curriculum should be added for deaf-blindness.

Response: The agency disagrees. Based on public comment, reference to the expanded core curriculum has been removed at adoption from subsection (c)(12)(A)(iv), relating to visual impairment, so it will not be added to deaf-blindness.

Comment: Thirty-two individuals commented in support of removing the requirement for an ontological examination for deaf and hard of hearing eligibility.

Response: The agency agrees.

Comment: Three individuals commented to protest removal of the requirement for an ontological examination for deaf and hard of hearing eligibility.

Response: The agency disagrees, as this should not be an absolute requirement for determining eligibility.

Comment: TxSER and Autism Speaks commented that language should be added regarding eligibility for deaf and hard of hearing to clarify that a documented hearing loss is not required if a student is unable to participate in formal audiological testing or the student has a suspected neurological or functional loss of hearing.

Response: The agency disagrees that this is necessary for the determination of eligibility for deaf and hard of hearing, but will consider it for future amendments.

Comment: One individual commented that the term "amplification" in subsection (c)(3) is confusing.

Response: The agency agrees that a different word may be more appropriate and has changed the term at adoption to "hearing assistive technology."

Comment: One individual suggested an alternative definition for deaf or hard of hearing and eligibility criteria.

Response: The agency disagrees. Other eligibility categories, such as other health impairment, may be considered if the deaf or hard of hearing eligibility criteria does not apply.

Comment: Five individuals, Texas Health and Human Services, TxSER, and Autism Speaks, commented asking for clarification on eligibility for an infant or toddler to meet eligibility as deaf or hard of hearing.

Response: The agency agrees that additional clarification is needed and has revised subsection (c)(3)(B) the eligibility at adoption to more closely mirror the federal regulations for an infant or toddler with a disability.

Comment: One individual commented in support of the communication assessment being required for deaf or hard of hearing eligibility.

Response: The agency agrees.

Comment: Approximately 70 individuals and Parent to Parent, TxSER, DRTx, and TCASE commented either in full support, or in support with additional recommendations, of the name change from emotional disturbance to emotional/behavioral disability. From those comments, at least 65 individuals and TCASE commented in support of the name change from emotional disturbance to emotional/behavioral disability, one commenter stated that there should not be punctuation between emotional and behavioral, one commenter requested that the term be changed to mental health disability, one commenter requested that the term be changed to emotional dysregulation disability/disorder, and other commenters recommended removing the term "behavioral" based on perceived stigma.

Response: The agency agrees that removal of the term "disturbance" is appropriate. At adoption, the agency has deleted "behavioral," so the term will be emotional disability. Changes have been made throughout the rule where this eligibility category is named.

Comment: DRTx, TxSER, and the Arc of Texas suggested that the evaluation report for emotional disability include recommendations for mental health supports and social interaction.

Response: The agency disagrees and provides the following clarification. Positive behavioral supports and interventions could include both of these types of recommendations.

Comment: Two individuals expressed interest in revising eligibility for intellectual disability.

Response: The comment is outside the scope of the proposed rulemaking.

Comment: Three individuals and Alliance of and for Visually Impaired Texans commented in support of the clarification that multiple disabilities does not include deaf-blindness.

Response: The agency agrees.

Comment: Twenty-nine individuals commented generally questioning the information that would be required by a qualified medical professional for the eligibility categories of orthopedic impairment, other health impairment, and traumatic brain injury. The commenters generally supported the idea that the medical professionals were not official members of the multi-disciplinary team but need to provide certain information.

Response: The agency agrees that further clarification is needed. At adoption, §89.1040(c)(7) has been modified to require a medical diagnosis for the eligibility of orthopedic impairment; subsection (c)(8) has been modified to require identification or confirmation of the student's health problem for the eligibility of other health impairment; and subsection (c)(11) has been modified to require a medical diagnosis for the eligibility category of traumatic brain injury.

Comment: DRTx commented that autism should be added to the list of impairments not considered a specific learning disability in subsection (c)(9)(A).

Response: The agency disagrees with adding autism to this list at this time, as the current list is taken from federal regulations.

Comment: Twenty-two individuals commented in support of specific learning disability (SLD) in subsection (c)(9) being amended to include identifications of dyslexia or dysgraphia.

Response: The agency agrees.

Comment: One individual requested that dyslexia and dysgraphia be listed individually under areas of SLD.

Response: The agency disagrees as dyslexia is an SLD in basic reading and/or fluency while dysgraphia is an SLD in written expression.

Comment: TCASE questioned whether dyscalculia should be added to the area of math calculation in subsection (c)(9).

Response: The comment is outside the scope of the proposed rulemaking.

Comment: Three individuals commented regarding subsection (c)(9)(C), stating that it was incorrect or unnecessary to specify that the presence of a significant variance among specific areas of cognitive function or between specific areas of cognitive func-

tion and academic achievement is not required for determining an SLD.

Response: The agency disagrees. In 2021, §89.1040 was revised to formally remove the pathway for SLD eligibility through a significant discrepancy method. However, since that time, this method is sometimes being substituted for the pattern of strengths and weaknesses model of determining eligibility. While a multi-disciplinary team can always make the decision to utilize formal assessments in an evaluation, the agency has determined it is important to highlight that requiring a significant variance to be present is not a requirement for an SLD determination.

Comment: An individual commented regarding classroom observations for purposes of SLD eligibility and questioned whether the agency intended to prohibit the general education classroom teacher from conducting the required observation.

Response: The agency disagrees and has determined no changes to the rule text are necessary, as the multi-disciplinary team would best determine who will conduct the required observation. The agency does note that it would be difficult for the child's general education classroom teacher to be the one conducting the observation, as that teacher would be responsible for observing and teaching all other students in the classroom.

Comment: An individual commented that in subsection (c)(9)(F), the agency did not make similar amendments to the text about "regular" teachers as it did in other portions of the rule.

Response: The agency agrees and has modified subsection (c)(9)(F) at adoption to use the term "general education" teacher.

Comment: DRTx commented that the term "remedial reading teacher" should be defined or updated.

Response: The agency disagrees with making a change at this time, as this may be a substantive change that would need to allow for additional public comment.

Comment: TCASE commented that subsection (c)(9)(G)(i) should be revised to remove the phrase "a suspected specific learning disability" as it is redundant.

Response: The agency agrees and has determined that rephrasing would be beneficial. At adoption, subsection (c)(9)(G)(i) has been revised to clarify that the process when the SLD of dyslexia is suspected.

Comment: TCASE commented that subsection (c)(9)(G)(iv) should be deleted because SLD is the qualifying eligibility category.

Response: The agency disagrees. While SLD will remain as the overall eligibility category, the identification and use of the terms dyslexia and/or dysgraphia are important to use in the evaluation report, if either or both of those disabilities are identified.

Comment: Eleven individuals and the Alliance of and for Visually Impaired Texans commented that the elements of the expanded core curriculum should not be included in an evaluation for eligibility as a student with a visual impairment, stating that this is part of considerations after eligibility is determined.

Response: While the agency disagrees with the premise that any area of the expanded core curriculum is not appropriate until after eligibility is determined, the agency agrees that without additional clarification and technical assistance, the addition of the text may be confusing to the field. Section 89.1040(c)(12)(A)(iv)

has been modified at adoption to remove reference to the expanded core curriculum.

Comment: Twelve individuals, TxSER, and Autism Speaks, requested additional clarification regarding eligibility as a child under three years of age with a visual impairment.

Response: The agency agrees that clarification is necessary and has modified subsection (c)(12)(C) the definition at adoption to closely mirror the federal regulations regarding an infant or toddler with a disability.

Comment: DRTx, TCASE, and the Arc of Texas commented that the organizations agree with the transition to the developmental delay category. The Arc of Texas added that guidance will be crucial during the transition.

Response: The agency agrees.

Comment: Over 100 individuals, Frisco Independent School District (ISD), the Texas Association of School Psychologists, and TCASE commented the age range for developmental delay eligibility should change from ages 3-5 to ages 3-9 to be consistent with federal regulations.

Response: The agency agrees to align with the allowable age range in federal regulations and has updated in subsection (c)(13) the developmental delay eligibility to age 9 at adoption.

Comment: Two individuals commented in support of the eligibility category of developmental delay and requested to keep the ages 3-5.

Response: The agency disagrees. The agency originally proposed the age range of 3-5 to match the ages used in the non-categorical eligibility category. However, based on public comment, the agency has expanded the age range at adoption to allow developmental delay through 9 years of age to match the age range in federal regulations.

Comment: TxSER commented with concern about assigning what appears to be a high standard of deviation from the mean for eligibility for developmental delay, particularly for a child with a delay in only one or two areas. TxSER further suggested that subsection (c)(12)(C) supplant (c)(12)(A) and (B).

Response: The agency disagrees and clarifies that the eligibility provisions under any of the subsections would be allowable.

§89.1050, The Admission, Review, and Dismissal Committee

Comment: Fifty-seven individuals commented in full support of the proposed changes to §89.1050 in their entirety.

Response: The agency agrees.

Comment: TxSER, DRTx, and the Arc of Texas expressed support for the clarification of the term "parent" for consistent alignment.

Response: The agency agrees.

Comment: TxSER, DRTx, and the Arc of Texas recommended that §89.1050(c)(3) include the requirements for students with dyslexia in the ARD committee membership.

Response: The agency agrees. At adoption, subsection (c)(3)(D) has been added to mention the required ARD committee member when a student is suspected or identified with dyslexia and the ARD committee will be discussing initial or continued eligibility for special education services.

§89.1055, Content of the Individualized Education Program

Comment: Fifty-seven individuals commented in full support of the proposed changes to §89.1055 in their entirety.

Response: The agency agrees.

Comment: DRTx, the Arc of Texas, and TxSER commented in support of the proposed changes regarding measurable annual goals.

Response: The agency agrees.

Comment: One individual commented asking if every student's IEP would have to include the alternate assessment participation form, even if determined by the ARD committee as not eligible for that assessment.

Response: The agency agrees that there may have been confusion with the proposed amendment. Therefore, at adoption, subsections (c) and (d) have been reordered and reworded to clarify that the form is required only when the IEP needs to include the statement regarding the student not participating in the general assessment.

Comment: Autism Speaks commented that the terminology "autism supplement" should be used in subsection (g).

Response: The agency disagrees and has determined that naming the supplement in rule is unnecessary.

Comment: DRTx, the Arc of Texas, Autism Speaks, and TxSER commented that subsection (g)(4) should reflect alignment with the subsection about behavior intervention plans (BIPs).

Response: The agency agrees and has added in subsection (g)(4)(B) a reference to implementation and review of a BIP in accordance with subsection (j).

Comment: DRTx, the Arc of Texas, Autism Speaks, and TxSER commented that subsection (g)(5) should be modified to include more detail around future planning for students with autism, specifically to include "integrated learning and training" and "self-determination and self-advocacy skills."

Response: The agency agrees and has added text in subsection (g)(5) to refer to learning and training, as well as self-advocacy and self-determination skills.

Comment: The Texas Dyslexia Coalition commented that text should be added to reference the requirement to adhere to the State Board of Education rule in 19 TAC §74.28 and the *Dyslexia Handbook* when developing and implementing an IEP for a student who has been identified with dyslexia or a related disorder.

Response: The agency agrees and has added new subsection (i) at adoption.

Comment: DRTx, the Arc of Texas, and TxSER commented in support of aligning both federal and state transition requirements to age 14.

Response: The agency agrees.

Comment: DRTx, the Arc of Texas, Autism Speaks, and TxSER commented that futures planning for students with autism should be incorporated or mentioned in the transition subsections.

Response: The agency disagrees that this is necessary, as the futures planning subsection already cross references the transition subsections.

Comment: DRTx, the Arc of Texas, and TxSER commented that the autism supplement as well as all other supplements should be mentioned as having to be reviewed annually in proposed

subsection (n). Autism Speaks had a similar comment but referenced the addition in subsection (g).

Response: The agency agrees in part and disagrees in part. The agency disagrees that adding reference to the autism supplement in proposed subsection (o), adopted as subsection (n), is appropriate, as that subsection specifically addresses the relevant transition subsections. However, based on another comment subsection (g) has been revised at adoption to refer to a review of the strategies at least annually.

Comment: DRTx, the Arc of Texas, Autism Speaks, and TxSER commented that a provision should be added reflecting that part of a parent's understanding of the meeting proceedings include an opportunity to review the required elements of the IEP in writing before signing.

Response: The agency disagrees that adding this requirement is necessary as part of the rule, as this practice would generally be considered as working in a collaborative manner as the rule already states. The agency will consider including in technical assistance a reminder to parents and districts of this opportunity.

Comment: Three individuals commented in support of the change to provisions addressing students who register during the summer months.

Response: The agency agrees.

Comment: Three individuals asked to clarify the process when a student transfers to a district with outdated evaluations or IEPs.

Response: The comment is outside the scope of proposed rule-making. However, the agency will consider the question in technical assistance resources.

Comment: Frisco ISD asked for clarification on students who register in new districts during the school year prior to the year for which they are registering.

Response: The agency is unable to provide clarification as it is unclear what the district is asking.

Comment: The Texas Classroom Teachers Association commented that teachers need to be provided copies of students' IEPs prior to the first day of the school year and suggested that language be added to the subsection surrounding transfer students to provide relevant teachers with students' IEPs.

Response: The agency disagrees that additional text is necessary. The only reason IEPs would not be given to teachers prior to the first day of school in this situation is if the school is not yet in possession of the IEP or if the school is in the process of developing and adopting an IEP within the timelines. A critical part of implementing an IEP is providing IEP access to teachers.

§89.1131, Qualifications of Special Education, Related Service, and Paraprofessional Personnel

Comment: Fifty-seven individuals commented in full support of the proposed changes to §89.1131 in their entirety.

Response: The agency agrees.

Comment: One individual commented that proposed subsection (b) is unclear.

Response: The agency disagrees. This wording mirrors the statutory language in TEC, §29.0032.

Comment: One individual commented that providers of dyslexia instruction should be required to be special education certified.

Response: The agency disagrees, as statute does not require this unless the providers are employed in a special education position that requires such certification.

Comment: Two individuals questioned whether the terms para-professionals and educational aides, as used in subsection (d), were describing the same or different types of positions.

Response: The agency agrees that clarification would be helpful and, at adoption, has clarified in subsection (d) that paraprofessionals working as educational aides must be certified.

Comment: One advocate, TxSER, and Texas Parent 2 Parent, commented regarding the establishment of an educational representative for students with disabilities who have reached the age of 18 but who are not capable of making informed educational decisions.

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

SUBCHAPTER AA. COMMISSIONER'S RULES CONCERNING SPECIAL EDUCATION SERVICES

DIVISION 2. CLARIFICATION OF PROVISIONS IN FEDERAL REGULATIONS

19 TAC §§89.1011, 89.1040, 89.1050, 89.1055

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §28.025, which requires the State Board of Education (SBOE) to determine curriculum requirements for a high school diploma and certificate; TEC, §29.001, which requires the agency to develop and modify as necessary a statewide plan for the delivery of services to children with disabilities that ensures the availability of a free appropriate public education to children between the ages of 3-21; TEC, §29.003, which requires the agency to develop eligibility criteria for students receiving special education services; TEC, §29.004, which establishes criteria for completing full individual and initial evaluations of a student for purposes of special education services; TEC, §29.005, which establishes criteria for developing a student's individualized education program prior to a student enrolling in a special education program; TEC, §29.010, which requires the agency to develop and implement a monitoring system for school district compliance with federal and state laws regarding special education; TEC, §29.011, which requires the commissioner to adopt procedures for compliance with federal requirements relating to transition services for students enrolled in special education programs; TEC, §29.0111, which appropriates state transition planning to begin for a student no later than the student turning 14 years of age; TEC, §29.012, which requires the commissioner to develop and implement procedures for compliance with federal requirements relating to transition services for students enrolled in a special education program; TEC, §29.017, which establishes criteria for the transfer of rights from a parent to a child with a disability who is 18 or older or whose disabilities have been removed under Texas Family Code, Chapter 31, to make educational decisions; TEC, §29.018, which requires the commissioner to make grants available to school districts to support covering the cost of education services for students with disabilities; TEC, §29.0031, as amended by House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023, which establishes requirements of a district if it is suspected or has reason to suspect that a student may have dyslexia; TEC, §29.0032, as amended

by HB 3928, 88th Texas Legislature, Regular Session, 2023, which establishes criteria for providers of dyslexia instruction; TEC, §30.001, which requires the commissioner, with approval by the SBOE, to establish a plan for the coordination of services to students with a disability; TEC, §30.002, which requires the agency to develop and administer a statewide plan for the education of children with visual impairments; TEC, §30.083, which requires the development of a statewide plan for educational services for students who are deaf or hard of hearing; TEC, §37.0021, which establishes the use of confinement, restraint, seclusion, and time-out for a student with a disability; TEC, §48.004, which requires the commissioner to adopt rules necessary for administering the Foundation School Program; TEC, §48.102, which establishes criteria for school districts to receive an annual allotment for students in a special education program; Texas Government Code, §392.002, which defines "authority" or "housing authority;" 34 Code of Federal Regulations (CFR), §300.8, which defines terms regarding a child with a disability; 34 CFR, §300.100, which establishes eligibility criteria for a state to receive assistance; 34 CFR, §300.101, which defines the requirement for all children residing in the state between the ages of 3-21 to have a free appropriate education available; 34 CFR, §300.111, which defines the requirement of the state to have policies and procedures in place regarding child find; 34 CFR, §300.114, which defines least restrictive environment requirements; 34 CFR, §300.121, which establishes the requirement for a state to have procedural safeguards; 34 CFR, §300.122, which establishes the requirement for evaluation of children with disabilities; 34 CFR, §300.124, which establishes the requirement of the state to have policies and procedures in place regarding the transfer of children from the Part C program to the preschool program; 34 CFR, §300.129, which establishes criteria for the state responsibility regarding children in private schools; 34 CFR, §300.147, which establishes the criteria for the state education agency when implementing the responsibilities each must ensure for a child with a disability who is placed in or referred to a private school or facility by a public agency; 34 CFR, §300.149, which establishes the state education agency's responsibility for general supervision; 34 CFR, §300.151, which establishes the criteria for the adoption of state complaint procedures; 34 CFR, §300.152, which establishes the criteria for minimum state complaint procedures; 34 CFR, §300.153, which establishes the criteria for filing a complaint; 34 CFR, §300.156, which establishes the criteria for the state education agency to establish and maintain qualification procedures for personnel serving children with disabilities; 34 CFR, §300.320, which defines the requirements for an individualized education program (IEP); 34 CFR, §300.322, which establishes the requirement for a parent participation opportunity at each IEP team meeting; 34 CFR, §300.323, which establishes the timeframe for when IEPs must be in effect; 34 CFR, §300.301, which establishes the requirement for initial evaluations; 34 CFR, §300.302, which clarifies that screening for instructional purposes is not an evaluation; 34 CFR, §300.303, which establishes the criteria for reevaluations; 34 CFR, §300.304, which establishes the criteria for reevaluation procedures; 34 CFR, §300.305, which establishes the criteria for additional requirements for evaluations and reevaluations; 34 CFR, §300.306, which defines the determination of eligibility; 34 CFR, §300.307, which establishes the criteria for determining specific learning disabilities; 34 CFR, §300.308, which establishes criteria for additional group members in determining whether a child is suspected of having a specific learning disability as defined in 34 CFR, §300.8; 34 CFR, §300.309, which establishes criteria

for determining the existence of a specific learning disability; 34 CFR, §300.310, which establishes criteria for observation to document the child's academic performance and behavior in the areas of difficulty; 34 CFR, §300.311, which establishes criteria for specific documentation for the eligibility determination; 34 CFR, §300.500, which establishes the responsibility of a state education agency and other public agencies to ensure the establishment, maintenance, and implementation of procedural safeguards; 34 CFR, §300.506, which establishes the requirement of each public agency to establish procedures to resolve disputes through a mediation process; 34 CFR, §300.507, which establishes criteria for filing a due process complaint; and 34 CFR, §300.600, which establishes requirements for state monitoring and enforcement.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§28.025; 29.001; 29.003; 29.0031, as amended by House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023; 29.0032, as amended by HB 3928, 88th Texas Legislature, Regular Session, 2023; 29.004; 29.005; 29.010; 29.011; 29.0111; 29.012; 29.017; 29.018; 30.001; 30.002; 30.083; 37.0021; 48.004; and 48.102; Texas Government Code, §392.002; and 34 Code of Federal Regulations, §§300.8, 300.100, 300.101, 300.111, 300.114, 300.121, 300.122, 300.124, 300.129, 300.147, 300.149, 300.151, 300.152, 300.153, 300.156, 300.320, 300.322, 300.323, 300.301, 300.302, 300.303, 300.304, 300.305, 300.306, 300.307, 300.308, 300.309, 300.310, 300.311, 300.500, 300.506, 300.507, and 300.600.

§89.1011. *Full Individual and Initial Evaluation.*

(a) Referral of students for a full individual and initial evaluation (FIIE) for possible special education and related services must be a part of the school district's multi-tiered system of academic and behavioral supports. Students not making progress in the general education classroom should be considered for all interventions and support services available to all students, such as tutorial; compensatory; response to evidence-based intervention; and other academic or behavior support services. The school district cannot require a student to participate in interventions and support services for any specific length of time prior to a referral being made or an FIIE being conducted. If the student continues to experience difficulty in the general education classroom with the provision of interventions and support services or at any time district personnel suspect a disability and a possible need for special education and related services, district personnel must refer the student for an FIIE. A referral or request for an FIIE may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. While an FIIE is being conducted, a student must continue to receive any necessary interventions and support services to target their academic or behavioral needs.

(b) If a parent submits a written request to a school district's director of special education services or to a district administrative employee, such as a campus principal, for an FIIE of a student, the school district must, not later than the 15th school day after the date the district receives the request:

- (1) provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 Code of Federal Regulations (CFR), §300.503; a copy of the procedural safeguards notice required by 34 CFR, §300.504; a copy of the Overview of Special Education for Parents form created by the Texas Education Agency (TEA); and an opportunity to give written consent for the evaluation; or
- (2) provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 CFR, §300.503; a copy of

the Overview of Special Education for Parents form created by TEA; and a copy of the procedural safeguards notice required by 34 CFR, §300.504.

(c) When a school district initiates the referral for an FIIE of a student, the district must provide the parent with the information and materials described in subsection (b)(1) of this section.

(d) Except as otherwise provided in this section, a written report of an FIIE of a student must be completed as follows:

(1) not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent, except that if a student has been absent from school during that period on three or more school days, that period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or

(2) for students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or home school setting, not later than the 45th school day following the date on which the school district receives written consent for the evaluation from the student's parent.

(e) Notwithstanding the timelines in subsections (d) and (g) of this section, if the school district received the written consent for the evaluation from the student's parent:

(1) at least 35 but less than 45 school days before the last instructional day of the school year, the written report of an FIIE of a student must be provided to the student's parent not later than June 30 of that year;

(2) at least 35 but less than 45 school days before the last instructional day of the school year but the student was absent three or more school days between the time that the school district received written consent and the last instructional day of the school year, the timeline in subsection (d)(1) of this section applies to the date the written report of the FIIE must be completed; or

(3) less than 35 school days before the last day of the school year, the timeline in subsection (d)(1) of this section applies to the date the written report of the FIIE must be completed.

(f) If a student was in the process of being evaluated for special education eligibility by a school district and enrolls in another school district before the previous school district completed the FIIE, the new school district must coordinate with the previous school district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 CFR, §300.301(d)(2) and (e) and §300.304(c)(5). The timelines in subsections (d) and (g) of this section do not apply in such a situation if:

(1) the new school district is making sufficient progress to ensure a prompt completion of the evaluation; and

(2) the parent and the new school district agree to a specific time when the evaluation will be completed.

(g) The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written FIIE report. If the 30th day falls during the summer and school is not in session, the ARD committee must meet not later than the 15th school day of the following school year to finalize decisions concerning the student's initial eligibility determination, and, if appropriate, IEP and placement. If the 30th day falls during the summer and school is not in session but an FIIE report indicates that the student would need extended school year services during that summer,

the ARD committee must meet as expeditiously as possible after completion of the report.

(h) A copy of the written FIIE report must be provided to the parent as soon as possible after completion of the report but no later than five school days prior to the initial ARD committee meeting, which will determine a student's initial eligibility under subsection (g) of this section, or not later than June 30 if subsection (e)(1) of this section applies.

(i) For purposes of subsections (b), (d), (e), and (g) of this section, school day does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term. In the case of a school that operates under a school year calendar without spring and fall terms, a school day does not include a day that falls after the last instructional day of one school year and before the first instructional day of the subsequent school year.

(j) For purposes of subsections (d)(1) and (e) of this section, a student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or alternative attendance taking time as described in the *Student Attendance Accounting Handbook*, adopted by reference under §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook).

§89.1040. Eligibility Criteria.

(a) Special education and related services. To be eligible to receive special education and related services, a student must be a "child with a disability," as defined in 34 Code of Federal Regulations (CFR), §300.8(a), subject to the provisions of 34 CFR, §300.8(c), the Texas Education Code (TEC), Subchapter A, and this section. The provisions in this section specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law.

(b) Eligibility determination. The determination of whether a student is eligible for special education and related services is made by the student's admission, review, and dismissal committee. Any evaluation or re-evaluation of a student must be conducted in accordance with 34 CFR, §§300.301-300.306 and 300.122. The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility must include, but is not limited to, the following:

(1) a licensed specialist in school psychology (LSSP)/school psychologist, an educational diagnostician, or other appropriately certified or licensed practitioner with experience and training in the area of the disability; or

(2) a licensed or certified professional for a specific eligibility category defined in subsection (c) of this section.

(c) Eligibility definitions.

(1) Autism. A student with autism is one who has been determined to meet the criteria for autism as stated in 34 CFR, §300.8(c)(1). A determination of whether a student meets the criteria for autism as stated in 34 CFR, §300.8(c)(1), cannot require that the student meets the requirements for a medical/psychological diagnosis of autism. The absence of other characteristics often associated with autism listed in 34 CFR, 300.8(c)(1), does not exclude a student from meeting eligibility as a student with autism. The team's written report of evaluation must include specific recommendations for communication, social interaction, and positive behavioral interventions and strategies.

(2) Deaf-blindness. A student with deaf-blindness is one who has been determined to meet the criteria for deaf-blindness as stated in 34 CFR, §300.8(c)(2). In meeting the criteria stated in 34 CFR, §300.8(c)(2), a student with deaf-blindness is one who, based on the evaluations specified in subsection (c)(3) and (12) of this section:

(A) meets the eligibility criteria for a student who is deaf or hard of hearing specified in subsection (c)(3) of this section and visual impairment specified in subsection (c)(12) of this section;

(B) meets the eligibility criteria for a student with a visual impairment and has a suspected hearing loss that cannot be demonstrated conclusively, but a speech/language therapist, a certified speech and language therapist, or a licensed speech language pathologist indicates there is no speech at an age when speech would normally be expected;

(C) has documented hearing and visual losses that, if considered individually, may not meet the requirements for a student who is deaf or hard of hearing or for visual impairment, but the combination of such losses adversely affects the student's educational performance; or

(D) has a documented medical diagnosis of a progressive medical condition that will result in concomitant hearing and visual losses that, without the provision of special education services, will adversely affect the student's educational performance.

(3) Deaf or hard of hearing.

(A) A student who is deaf or hard of hearing is one who has been determined to meet the criteria for deafness as stated in 34 CFR, §300.8(c)(3), or for students who have a hearing impairment as stated in 34 CFR, §300.8(c)(5). The evaluation data reviewed by the multidisciplinary team in connection with the determination of a student's eligibility based on being deaf or hard of hearing must include an audiological evaluation performed by a licensed audiologist and a communication assessment completed by the multidisciplinary team. The evaluation data must include a description of the implications of the hearing loss for the student's hearing in a variety of circumstances with or without recommended hearing assistive technology.

(B) A child under three years of age meets the criteria for deaf or hard of hearing if the student's record indicates that the child is experiencing a developmental delay because of hearing loss or impairment, or the child has a physical or mental condition that has a high probability of resulting in a developmental delay and a sensory impairment, in accordance with 34 CFR, §303.21.

(4) Emotional disability. A student with an emotional disability is one who has been determined to meet the criteria for emotional disturbance as stated in 34 CFR, §300.8(c)(4). The written report of evaluation must include specific recommendations for positive behavioral supports and interventions. The term emotional disability is synonymous with the term emotional disturbance and serious emotional disturbance, as these terms are used in federal or state law pertaining to students eligible for special education and related services.

(5) Intellectual disability. A student with an intellectual disability is one who has been determined to meet the criteria for an intellectual disability as stated in 34 CFR, §300.8(c)(6). In meeting the criteria stated in 34 CFR, §300.8(c)(6), a student with an intellectual disability is one who:

(A) has been determined to have significantly sub-average intellectual functioning as measured by a standardized, individually administered test of cognitive ability in which the overall test score is at least two standard deviations below the mean, when taking into consideration the standard error of measurement of the test; and

(B) concurrently exhibits deficits in at least two of the following areas of adaptive behavior: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, and safety.

(6) Multiple disabilities.

(A) A student with multiple disabilities is one who has been determined to meet the criteria for multiple disabilities as stated in 34 CFR, §300.8(c)(7). In meeting the criteria stated in 34 CFR, §300.8(c)(7), that a combination of impairments causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments, a student with multiple disabilities is one who has a combination of disabilities defined in this section and who meets all of the following conditions:

(i) the student's disabilities are expected to continue indefinitely; and

(ii) the disabilities severely impair performance in two or more of the following areas:

(I) psychomotor skills;

(II) self-care skills;

(III) communication;

(IV) social and emotional development; or

(V) cognition.

(B) Students who have more than one of the disabilities defined in this section but who do not meet the criteria in subparagraph (A) of this paragraph must not be classified or reported as having multiple disabilities.

(C) Multiple disabilities does not include deaf-blindness.

(7) Orthopedic impairment. A student with an orthopedic impairment is one who has been determined to meet the criteria for orthopedic impairment as stated in 34 CFR, §300.8(c)(8). A student's eligibility based on an orthopedic impairment must include a medical diagnosis provided by a licensed physician.

(8) Other health impairment. A student with other health impairment is one who has been determined to meet the criteria for other health impairment due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette's Disorder as stated in 34 CFR, §300.8(c)(9). A student's eligibility based on other health impairment must include identification or confirmation of the student's chronic or acute health problem provided by a licensed physician, a physician assistant, or an advanced practice registered nurse with authority delegated under Texas Occupations Code, Chapter 157.

(9) Specific learning disability.

(A) Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; intellectual disability; emotional disability; or environmental, cultural, or economic disadvantage.

(B) A student with a specific learning disability is one who:

(i) has been determined through a variety of assessment tools and strategies to meet the criteria for a specific learning disability as stated in 34 CFR, §300.8(c)(10), in accordance with the provisions in 34 CFR, §§300.307-300.311;

(ii) when provided with learning experiences and instruction appropriate for the student's age or state-approved grade-level standards as indicated by performance on multiple measures such as in-class tests, grade average over time (e.g. six weeks or semester), repeated performance on progress monitoring measures, norm- or criterion-referenced tests, and statewide assessments, does not achieve adequately for the student's age or to meet state-approved grade-level standards in one or more of the following areas:

(I) oral expression;

(II) listening comprehension;

(III) written expression, which may include dysgraphia;

(IV) basic reading skill, which may include dyslexia;

(V) reading fluency skills, which may include dyslexia;

(VI) reading comprehension;

(VII) mathematics calculation; or

(VIII) mathematics problem solving;

(iii) meets one of the following criteria:

(I) does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified in clause (ii)(I)-(VIII) of this subparagraph when using a process based on the student's response to scientific, research-based intervention; or

(II) exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, state-approved grade-level standards, or intellectual development that is determined to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with 34 CFR, §300.304 and §300.305; and

(iv) does not meet the findings under clauses (ii) and (iii) of this subparagraph primarily as the result of:

(I) a visual, hearing, or motor disability;

(II) an intellectual disability;

(III) emotional disability;

(IV) cultural factors;

(V) environmental or economic disadvantage; or

(VI) being emergent bilingual.

(C) As part of the evaluation described in subparagraph (B) of this paragraph and 34 CFR, §§300.304-300.311, the presence of a significant variance among specific areas of cognitive function or between specific areas of cognitive function and academic achievement is not required when determining whether a student has a significant learning disability.

(D) In order to ensure that underachievement by a student suspected of having a specific learning disability is not due to

lack of appropriate instruction in reading or mathematics, the following must be considered:

(i) data that demonstrates the student was provided appropriate instruction in reading (as described in 20 United States Code (USC), §6368(3)), and/or mathematics within general education settings delivered by qualified personnel; and

(ii) data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of student progress during instruction, which must be provided to the student's parents. Data-based documentation of repeated assessments may include, but is not limited to, intervention progress monitoring results and reports, in-class tests on grade-level curriculum, or other regularly administered assessments. Intervals are considered reasonable if consistent with the assessment requirements of a student's specific instructional program.

(E) The school district must ensure that the student is observed in the student's learning environment, including the general education classroom setting, to document the student's academic performance and behavior in the areas of difficulty. In determining whether a student has a specific learning disability, the multidisciplinary team must decide to either use information from an observation in routine classroom instruction and monitoring of the student's performance that was conducted before the student was referred for an evaluation or have at least one of the members described in subsection (b) or (c)(9)(F) of this section conduct an observation of the student's academic performance in the general education classroom after the student has been referred for an evaluation and the school district has obtained parental consent consistent with 34 CFR, §300.300(a). In the case of a student of less than school age or out of school, a member described in subsection (b) or (c)(9)(F) of this section must observe the student in an environment appropriate for a student of that age.

(F) The determination of whether a student suspected of having a specific learning disability is a child with a disability as defined in 34 CFR, §300.8, must be made by the student's parents and a team of qualified professionals, which must include at least one person qualified to conduct individual diagnostic examinations of children such as a licensed specialist in school psychology/school psychologist, an educational diagnostician, a speech-language pathologist, or a remedial reading teacher and one of the following:

(i) the student's general education teacher;

(ii) if the student does not have a general education teacher, a general education classroom teacher qualified to teach a student of his or her age; or

(iii) for a student of less than school age, an individual qualified by the Texas Education Agency to teach a student of his or her age.

(G) Suspicion, and the identification, of dyslexia or dysgraphia, in addition to the requirements of subparagraphs (A)-(F) of this paragraph, must include consideration of the following:

(i) when the specific learning disability of dyslexia is suspected or characteristics of dyslexia have been observed from a reading instrument administered under TEC, §28.006, or a dyslexia screener under TEC, §38.003, the team established under subsections (b) and (c)(9)(F) of this section must include a professional who meets the requirements under TEC, §29.0031(b), and §74.28 of this title (relating to Students with Dyslexia and Related Disorders), including any handbook adopted in the rule;

(ii) an evaluation for dyslexia or dysgraphia must include all of the domains or other requirements listed in TEC, §38.003, and §74.28 of this title, including any handbook adopted in the rule;

(iii) when identifying dyslexia and determining eligibility or continued eligibility for special education and related services, the admission, review, and dismissal (ARD) committee must include a professional who meets the requirements of TEC, §29.0031(b), and §74.28 of this title, including any handbook adopted in the rule; and

(iv) when a student is identified with dyslexia and/or dysgraphia, the terms dyslexia and/or dysgraphia, as appropriate, must be used in a student's evaluation report. For formal eligibility purposes under special education, the category of specific learning disability will be reported by a school district.

(10) Speech impairment. A student with a speech impairment is one who has been determined to meet the criteria for speech or language impairment as stated in 34 CFR, §300.8(c)(11). The multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on a speech impairment must include a certified speech and hearing therapist, a certified speech and language therapist, or a licensed speech/language pathologist.

(11) Traumatic brain injury. A student with a traumatic brain injury is one who has been determined to meet the criteria for traumatic brain injury as stated in 34 CFR, §300.8(c)(12). A student's eligibility based on a traumatic brain injury must include a medical diagnosis provided by a licensed physician.

(12) Visual impairment.

(A) A student with a visual impairment is one who has been determined to meet the criteria for visual impairment as stated in 34 CFR, §300.8(c)(13). Information from a variety of sources must be considered by the multidisciplinary team that collects or reviews evaluation data in connection with the determination of a student's eligibility based on visual impairment in order to determine the need for specially designed instruction as stated in 34 CFR, §300.39(b)(3), and must include:

(i) a medical report by a licensed ophthalmologist or optometrist that indicates the visual loss stated in exact measures of visual field and corrected visual acuity, at a distance and at near range, in each eye. If exact measures cannot be obtained, the eye specialist must so state and provide best estimates. The report should also include a diagnosis and prognosis whenever possible and whether the student has:

(I) no vision or visual loss after correction; or

(II) a progressive medical condition that will result in no vision or a visual loss after correction;

(ii) a functional vision evaluation by a certified teacher of students with visual impairments or a certified orientation and mobility specialist. The evaluation must include the performance of tasks in a variety of environments requiring the use of both near and distance vision and recommendations concerning the need for a clinical low vision evaluation;

(iii) a learning media assessment by a certified teacher of students with visual impairments. The learning media assessment must include recommendations concerning which specific visual, tactual, and/or auditory learning media are appropriate for the student and whether or not there is a need for ongoing evaluation in this area; and

(iv) as part of the full individual and initial evaluation, an orientation and mobility evaluation conducted by a person who is appropriately certified as an orientation and mobility specialist. The orientation and mobility evaluation must be conducted in a variety of lighting conditions and in a variety of settings, including in the student's home, school, and community, and in settings unfamiliar to the student.

(B) A person who is appropriately certified as an orientation and mobility specialist must participate in an initial eligibility determination and any reevaluation as part of the multidisciplinary team, in accordance with 34 CFR, §§300.122 and 300.303-300.311, in evaluating data used to make the determination of the student's need for specially designed instruction.

(C) A child under three years of age meets the criteria for visual impairment if the child's record indicates that the child is experiencing a developmental delay because of vision loss or impairment, or the child has a physical or mental condition that has a high probability of resulting in a developmental delay and a sensory impairment, in accordance with 34 CFR, §303.21.

(13) Developmental delay. A student with developmental delay is one who is between the ages of 3-9 who is evaluated by a multidisciplinary team for at least one disability category listed in paragraphs (1)-(12) of this subsection and whose evaluation data indicates a need for special education and related services and shows evidence of, but does not clearly confirm, the presence of the suspected disability or disabilities due to the child's young age. In these cases, an ARD committee may determine that data supports identification of developmental delay in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development. To use this eligibility category, multiple sources of data must converge to indicate the student has a developmental delay as described by one of the following:

(A) performance on appropriate norm-referenced measures, including developmental measures, indicate that the student is at least 2 standard deviations below the mean or at the 2nd percentile of performance, when taking into account the standard error of measurement (SEM), in one area of development as listed in this paragraph, along with additional convergent evidence such as interviews and observation data that supports the delay in that area;

(B) performance on appropriate norm-referenced measures, including developmental measures, indicate that the student is at least 1.5 standard deviations below the mean or at the 7th percentile of performance, when taking into account the SEM, in at least two areas of development as listed in this paragraph, along with additional convergent evidence such as interviews and observation data that supports the delays in those areas; or

(C) a body of evidence from multiple direct and indirect sources, such as play-based assessments, information from the student's parent, interviews, observations, work samples, checklists, and other informal and formal measures of development, that clearly document a history and pattern of atypical development that is significantly impeding the student's performance and progress across settings when compared to age-appropriate expectations and developmental milestones in one or more areas of development as listed in this paragraph.

(14) Noncategorical. A student between the ages of 3-5 who is evaluated as having an intellectual disability, an emotional disability, a specific learning disability, or autism may be described as noncategorical early childhood.

(d) Developmental delay eligibility guidelines. Developmental delay, as described in subsection (c)(13) of this section, and noncategorical, as described in subsection (c)(14) of this section, may be used within the following guidelines.

(1) No school district will be required to use the eligibility category of developmental delay; however, if a district chooses to use this eligibility category, it must use the definition and criteria described in subsection (c)(13) of this section.

(2) If a school district chooses to use the eligibility category described in subsection (c)(13) of this section, it may do so beginning with the 2024-2025 school year.

(3) The eligibility category of noncategorical, as described in subsection (c)(14) of this section, must no longer be used by any school district beginning with the 2025-2026 school year. Any eligible student who begins the 2025-2026 school year already identified under subsection (c)(14) of this section may maintain this eligibility category, if determined appropriate by the student's ARD committee, until the required re-evaluation before the age of six.

§89.1050. The Admission, Review, and Dismissal Committee.

(a) Each school district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted pursuant to §89.1011 of this title (relating to Full Individual and Initial Evaluation). The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including, specifically, 34 Code of Federal Regulations (CFR), §300.321. The school district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the following:

(1) 34 CFR, §§300.320-300.325, and Texas Education Code (TEC), §29.005 (individualized education programs);

(2) 34 CFR, §§300.145-300.147 (relating to placement of eligible students in private schools by a school district);

(3) 34 CFR, §§300.132, 300.138, and 300.139 (relating to the development and implementation of service plans for eligible students placed by parents in private school who have been designated to receive special education and related services);

(4) 34 CFR, §300.530 and §300.531, and TEC, §37.004 (disciplinary placement of students with disabilities);

(5) 34 CFR, §§300.302-300.306 (relating to evaluations, re-evaluations, and determination of eligibility);

(6) 34 CFR, §§300.114-300.117 (relating to least restrictive environment);

(7) TEC, §28.006 (Reading Diagnosis);

(8) TEC, §28.0211 (Satisfactory Performance on Assessment Instruments Required; Accelerated Instruction);

(9) TEC, §28.0212 (Junior High or Middle School Personal Graduation Plan);

(10) TEC, §28.0213 (Intensive Program of Instruction);

(11) TEC, Chapter 29, Subchapter I (Programs for Students Who Are Deaf or Hard of Hearing);

(12) TEC, §30.002 (Education for Children with Visual Impairments);

(13) TEC, §30.003 (Support of Students Enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf);

(14) TEC, §33.081 (Extracurricular Activities);

(15) TEC, §37.004 (Placement of Students with Disabilities);

(16) TEC, §37.307 (Placement and Review of Student with Disability);

(17) TEC, Chapter 39, Subchapter B (Assessment of Academic Skills); and

(18) TEC, §48.102 (Special Education).

(b) For a student from birth through two years of age with a visual impairment or who is deaf or hard of hearing, an individualized family services plan meeting must be held in place of an ARD committee meeting in accordance with 34 CFR, §§300.320-300.324, and the memorandum of understanding between the Texas Education Agency and the Texas Health and Human Services Commission. For students three years of age and older, school districts must develop an IEP.

(c) ARD committee membership.

(1) ARD committees must include the following:

(A) the parents, as defined by 34 CFR, §300.30, of the student;

(B) not less than one general education teacher of the student (if the student is, or may be, participating in the general education environment) who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student's IEP;

(C) not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student;

(D) a representative of the school district who:

(i) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;

(ii) is knowledgeable about the general education curriculum; and

(iii) is knowledgeable about the availability of resources of the school district;

(E) an individual who can interpret the instructional implications of evaluation results, who may be a member of the committee described in subparagraphs (B)-(D) and (F) of this paragraph;

(F) at the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate;

(G) whenever appropriate, the student with a disability;

(H) to the extent appropriate, with the consent of the parents or a student who has reached the age of majority, a representative of any participating agency that is likely to be responsible for providing or paying for transition services;

(I) a representative from career and technical education (CTE), preferably the teacher, when considering initial or continued placement of a student in CTE; and

(J) a professional staff member who is on the language proficiency assessment committee who may be a member of the com-

mittee described in subparagraphs (B) and (C) of this paragraph, if the student is identified as emergent bilingual.

(2) The special education teacher or special education provider that participates in the ARD committee meeting must be appropriately certified or licensed as required by 34 CFR, §300.156.

(3) If the student is:

(A) a student with a suspected or documented visual impairment, the ARD committee must include a teacher who is certified in the education of students with visual impairments;

(B) a student who is suspected or documented to be deaf or hard of hearing, the ARD committee must include a teacher who is certified in the education of students who are deaf or hard of hearing;

(C) a student with suspected or documented deaf-blindness, the ARD committee must include a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing; or

(D) a student who is suspected or identified with dyslexia, when determining initial or continued eligibility, the ARD committee must include a professional who meets the requirements of TEC, §29.0031(b), and §74.28 of this title (relating to Students with Dyslexia and Related Disorders), including any handbook adopted in the rule.

(4) An ARD committee member is not required to attend an ARD committee meeting if the conditions of either 34 CFR, §300.321(e)(1), regarding attendance, or 34 CFR, §300.321(e)(2), regarding excusal, have been met.

(d) The school district must take steps to ensure that one or both parents are present at each ARD committee meeting or are afforded the opportunity to participate, including notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. Additionally, a school district must allow parents who cannot attend an ARD committee meeting to participate in the meeting through other methods such as through telephone calls or video conferencing. The school district must provide the parents with written notice of the ARD committee meeting that meets the requirements in 34 CFR, §300.322, at least five school days before the meeting unless the parents agree to a shorter timeframe.

(e) Upon receipt of a written request for an ARD committee meeting from a parent, the school district must:

(1) schedule and convene a meeting in accordance with the procedures in subsection (d) of this section; or

(2) within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting.

(f) The school district must provide the parent with a written notice required under subsection (d) or (e)(2) of this section in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice.

(g) Whenever a school district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education to the student, the school district must provide prior written notice as required in 34 CFR, §300.503, including providing the notice in the parent's native language or other mode of communication. This notice must be provided to the parent at least five school days before the school dis-

trict proposes or refuses the action unless the parent agrees to a shorter timeframe.

§89.1055. *Individualized Education Program.*

(a) The individualized education program (IEP) developed by the admission, review, and dismissal (ARD) committee for each student with a disability must comply with the requirements of 34 Code of Federal Regulations (CFR), §300.320 and §300.324, and include all applicable information under Texas Education Code (TEC), §29.0051.

(b) To be considered a measurable annual goal under 34 CFR, §300.320(a)(2), a goal must include the components of a timeframe, condition, behavior, and criterion. While at least one measurable annual goal is required, the number of annual goals will be determined by the ARD committee after examination of the student's present levels of academic achievement and functional performance and areas of need.

(1) Annual goals are also required in the following circumstances:

(A) when the content of a subject/course is modified, whether the content is taught in a general or special education setting, in order to address how the content is modified; and

(B) when a student is removed from the general education setting for a scheduled period of time but the content of the subject/course is not modified (e.g., a student who is progressing on enrolled grade level curriculum but requires a more restrictive environment for a period of time due to behavioral concerns).

(2) Short-term objectives/benchmarks, used as intermediary steps or milestones toward accomplishing an annual goal, may be included in a measurable annual goal. Short-term objectives/benchmarks:

(A) must be included in an annual goal if the ARD committee has determined that a student will not participate in the general state assessment; and

(B) regardless of whether the objectives/benchmarks are related to a student not participating the general state assessment, cannot be used as the criterion to indicate mastery of the annual goal.

(c) The IEP must include a statement of any individual appropriate and allowable accommodations in the administration of assessment instruments developed in accordance with TEC, §39.023(a)-(c), or districtwide assessments of student achievement (if the district administers such optional assessments) that are necessary to measure the academic achievement and functional performance of the student on the assessments.

(d) If the ARD committee determines that the student will not participate in a general statewide or districtwide assessment of student achievement (or part of an assessment), the following requirements must be met.

(1) The IEP must include a statement explaining:

(A) why the student cannot participate in the general assessment; and

(B) why the particular alternate assessment selected is appropriate for the student, and

(2) The Texas Education Agency's alternate assessment participation requirements form, if one is made available to school districts, must be included in the student's IEP to document the statement required under this subsection.

(e) If the ARD committee determines that the student is in need of extended school year (ESY) services, as described in §89.1065 of this title (relating to Extended School Year Services), then the IEP must

identify which of the goals and objectives in the IEP will be addressed during ESY services.

(f) For students with visual impairments, from birth through 21 years of age, the IEP or individualized family services plan must also meet the requirements of TEC, §30.002(e).

(g) For students with autism eligible under §89.1040(c)(1) of this title (relating to Eligibility Criteria), the strategies described in this subsection must be considered, at least annually based on peer-reviewed, research-based educational programming practices to the extent practicable, and, when needed, addressed in the IEP:

(1) extended educational programming (for example: extended day and/or extended school year services that consider the duration of programs/settings based on data collected related to behavior, social skills, communication, academics, and self-help skills);

(2) daily schedules reflecting minimal unstructured time and active engagement in learning activities (for example: lunch, snack, and recess periods that provide flexibility within routines; adapt to individual skill levels; and assist with schedule changes, such as changes involving substitute teachers and pep rallies);

(3) in-home and community-based training or viable alternatives that assist the student with acquisition of social, behavioral, communication, and self-help skills (for example: strategies that facilitate maintenance and generalization of such skills from home to school, school to home, home to community, and school to community);

(4) positive behavior support strategies based on relevant information, for example:

(A) antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and

(B) a behavioral intervention plan developed from a functional behavioral assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings and is implemented and reviewed in accordance with subsection (j) of this section;

(5) beginning at any age, consistent with subsection (l) of this section, futures planning for integrated learning and training, living, work, community, and educational environments that considers skills necessary to function in current and post-secondary environments, including self-determination and self-advocacy skills;

(6) parent/family training and support, provided by qualified personnel with experience in autism, that, for example:

(A) provides a family with skills necessary for a student to succeed in the home/community setting;

(B) includes information regarding resources (for example: parent support groups, workshops, videos, conferences, and materials designed to increase parent knowledge of specific teaching/management techniques related to the student's curriculum); and

(C) facilitates parental carryover of in-home training (for example: strategies for behavior management and developing structured home environments and/or communication training so that parents are active participants in promoting the continuity of interventions across all settings);

(7) suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence as determined by, for example:

(A) adaptive behavior evaluation results;

(B) behavioral accommodation needs across settings;
and

(C) transitions within the school day;

(8) communication interventions, including language forms and functions that enhance effective communication across settings (for example: augmentative, incidental, and naturalistic teaching);

(9) social skills supports and strategies based on social skills assessment/curriculum and provided across settings (e.g., peer-based instruction and intervention, video modeling, social narratives, and role playing);

(10) professional educator/staff support (for example: training provided to personnel who work with the student to assure the correct implementation of techniques and strategies described in the IEP); and

(11) teaching strategies based on peer reviewed, research-based practices for students with autism (for example: those associated with discrete-trial training, visual supports, applied behavior analysis, structured learning, augmentative communication, or social skills training).

(h) If the ARD committee determines that services are not needed in one or more of the areas specified in subsection (g) of this section, the IEP must include a statement to that effect and the basis upon which the determination was made.

(i) For students identified with the specific learning disability of dyslexia or a related disorder eligible under §89.1040(c)(9) of this title, the IEP must also be developed and implemented in accordance with the requirements under §74.28 of this title (relating to Students with Dyslexia and Related Disorders), including any handbook adopted in the rule.

(j) If the ARD committee determines that a behavior improvement plan or a behavioral intervention plan is appropriate for a student, that plan must be included as part of the student's IEP and provided to each teacher with responsibility for educating the student. If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the ARD committee shall review the plan at least annually, and more frequently if appropriate, to address:

(1) changes in a student's circumstances that may impact the student's behavior, such as:

(A) the placement of the student in a different educational setting;

(B) an increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;

(C) a pattern of unexcused absences; or

(D) an unauthorized, unsupervised departure from an educational setting; or

(2) the safety of the student or others.

(k) Not later than the first IEP to be in effect when the student turns 14 years of age, the ARD committee must consider and, if appropriate, address the following issues in the IEP:

(1) appropriate student involvement in the student's transition to life outside the public school system;

(2) appropriate involvement in the student's transition by the student's parents and other persons invited to participate by:

(A) the student's parents; or

(B) the school district in which the student is enrolled;

(3) appropriate postsecondary education options, including preparation for postsecondary-level coursework;

(4) an appropriate functional vocational evaluation;

(5) appropriate circumstances for facilitating a referral of a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student such as a waiver program established under the Social Security Act (42 U.S.C. Section 1396n(c)), §1915(c); and

(6) the use and availability of appropriate:

(A) supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and

(B) supports and services to foster the student's independence and self-determination, including a supported decision-making agreement under Texas Estates Code, Chapter 1357.

(l) Beginning not later than the first IEP to be in effect when the student turns 14 years of age, or younger if determined appropriate by the ARD committee, the IEP must include:

(1) appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

(2) the transition services, including courses of study, needed to assist the student in reaching the postsecondary goals.

(m) The goals included in a student's IEP to comply with subsection (l) of this section are intended to comply with the requirements in TEC, §29.011(a)(6) and (8).

(n) Beginning not later than the first IEP to be in effect when the student turns 18 years of age (see §89.1049 of this title (relating to Parental Rights Regarding Adult Students) for notice requirement of transfer of rights), the ARD committee must consider and, if appropriate, address the following issues in the student's IEP:

(1) involvement in the student's transition and future by the student's parents and other persons, if the parent or other person:

(A) is invited to participate by the student or the school district in which the student is enrolled; or

(B) has the student's consent to participate pursuant to a supported decision-making agreement under Texas Estates Code, Chapter 1357; and

(2) the availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives.

(o) A student's ARD committee shall review at least annually the issues described in subsections (k), (l), and (n) of this section and, if necessary, update the portions of the student's IEP that address those issues.

(p) All members of the ARD committee must have the opportunity to participate in a collaborative manner in developing the IEP. The school district must take all reasonable actions necessary to ensure that the parent understands the proceedings of the ARD committee meeting, including arranging for an interpreter for parents who are deaf or hard of hearing or whose native language is a language other

than English. A decision of the ARD committee concerning required elements of the IEP must be made by mutual agreement if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

(1) When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when the student's presence on the campus presents a danger of physical harm to the student or others or when the student has committed an expellable offense or an offense that may lead to a placement in a disciplinary alternative education program. The requirements of this subsection do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

(2) During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

(3) If a recess is implemented as provided in paragraph (1) of this subsection and the ARD committee still cannot reach mutual agreement, the school district must implement the IEP that it has determined to be appropriate for the student.

(4) Each member of the ARD committee who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

(q) The written statement of the IEP must document the decisions of the ARD committee with respect to issues discussed at each ARD committee meeting. The written statement must also include:

(1) the date of the meeting;

(2) the name, position, and signature of each member participating in the meeting; and

(3) an indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

(r) If the student's parent is unable to speak English and the parent's native language is Spanish, the school district must provide a written copy or audio recording of the student's IEP translated into Spanish. If the student's parent is unable to speak English and the parent's native language is a language other than Spanish, the school district must make a good faith effort to provide a written copy or audio recording of the student's IEP translated into the parent's native language.

(1) For purposes of this subsection, a written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

(2) For purposes of this subsection, an audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A school district is not prohibited from providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the

parent contains an oral translation into the target language of all of the content in the student's IEP in English.

(3) If a parent's native language is not a written language, the school district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

(4) Under 34 CFR, §300.322(f), a school district must give a parent a written copy of the student's IEP at no cost to the parent. A school district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written translation of the student's IEP in the parent's native language in accordance with paragraph (1) of this subsection.

(s) A school district must comply with the following for a student who is new to the school district.

(1) When a student transfers to a new school district within the state in the same school year and the parents or previous school district verifies that the student had an IEP that was in effect in the previous district, the new school district must meet the requirements of 34 CFR, §300.323(e), by either adopting the student's IEP from the previous school district or developing, adopting, and implementing a new IEP. The timeline for adopting the previous IEP or developing, adopting, and implementing a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services.

(2) When a student transfers from a school district in another state in the same school year and the parents or previous school district verifies that the student had an IEP that was in effect in the previous district, the new school district must, if determined necessary, conduct a full individual and initial evaluation and make an eligibility determination and, if appropriate, develop, adopt, and implement a new IEP, within the timelines established in §89.1011 of this title (relating to Full and Individual Initial Evaluation). If the school district determines that an evaluation is not necessary, the timeline for the new district to develop, adopt, and implement a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services.

(3) Students who register in a new school district in the state during the summer when students are not in attendance for instructional purposes, the provisions of paragraphs (1) and (2) of this subsection apply based on whether the students are coming from an in-state or out-of-state school district. All other provisions in this subsection apply to these students.

(4) In accordance with 34 CFR, §300.323(g), the new school district must take reasonable steps to promptly obtain the student's records from the previous school district, and, in accordance with TEC, §25.002, and 34 CFR, §300.323(g), the previous school district must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the 10th working day after the date a request for the information is received by the previous school district.

(5) If a parent hasn't already provided verification of eligibility and the new school district has been unable to obtain the necessary verification records from the previous district by the 15th working day after the date a request for the records was submitted by the new district to the previous district, the new school district must seek verification from the student's parent. If the parent provides verification, the new school district must comply with all paragraphs of this subsection. The new school district is encouraged to ask the parent to provide verification of eligibility before the 15th working day after the date a request for the records was submitted by the new district to the previous

district. If the parent is unwilling or unable to provide such verification, the new district must continue to take reasonable steps to obtain the student's records from the previous district and provide any services comparable to what the student received at the previous district if they communicate those to the new district.

(6) For the purposes of this subsection, "verify" means that the new school district has received a copy of the student's IEP that was in effect in the previous district. The first school day after the new district receives a copy of the student's IEP that was in effect in the previous district begins the timelines associated with paragraphs (1) and (2) of this subsection.

(7) While the new school district waits for verification, the new school district must take reasonable steps to provide, in consultation with the student's parents, services comparable to those the student received from the previous district if the new school district has been informed by the previous school district of the student's special education and related services and placement.

(8) Once the new school district receives verification that the student had an IEP in effect at the previous district, comparable services must be provided to a student during the timelines established under paragraphs (1) and (2) of this subsection. Comparable services include provision of ESY services if those services are identified in the previous IEP or if the new district has reason to believe that the student would be eligible for ESY services.

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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DIVISION 5. SPECIAL EDUCATION AND RELATED SERVICE PERSONNEL

19 TAC §89.1131

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §28.025, which requires the State Board of Education (SBOE) to determine curriculum requirements for a high school diploma and certificate; TEC, §29.001, which requires the agency to develop and modify as necessary a statewide plan for the delivery of services to children with disabilities that ensures the availability of a free appropriate public education to children between the ages of 3-21; TEC, §29.003, which requires the agency to develop eligibility criteria for students receiving special education services; TEC, §29.004, which establishes criteria for completing full individual and initial evaluations of a student for purposes of special education services; TEC, §29.005, which establishes criteria for developing a student's individualized education program prior to a student enrolling in a special education program; TEC, §29.010, which requires the agency to develop and implement a monitoring system for school district compliance with federal and state laws regarding special education; TEC, §29.011,

which requires the commissioner to adopt procedures for compliance with federal requirements relating to transition services for students enrolled in special education programs; TEC, §29.011, which appropriates state transition planning to begin for a student no later than the student turning 14 years of age; TEC, §29.012, which requires the commissioner to develop and implement procedures for compliance with federal requirements relating to transition services for students enrolled in a special education program; TEC, §29.017, which establishes criteria for the transfer of rights from a parent to a child with a disability who is 18 or older or whose disabilities have been removed under Texas Family Code, Chapter 31, to make educational decisions; TEC, §29.018, which requires the commissioner to make grants available to school districts to support covering the cost of education services for students with disabilities; TEC, §29.0031, as amended by House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023, which establishes requirements of a district if it is suspected or has reason to suspect that a student may have dyslexia; TEC, §29.0032, as amended by HB 3928, 88th Texas Legislature, Regular Session, 2023, which establishes criteria for providers of dyslexia instruction; TEC, §30.001, which requires the commissioner, with approval by the SBOE, to establish a plan for the coordination of services to students with a disability; TEC, §30.002, which requires the agency to develop and administer a statewide plan for the education of children with visual impairments; TEC, §30.083, which requires the development of a statewide plan for educational services for students who are deaf or hard of hearing; TEC, §37.0021, which establishes the use of confinement, restraint, seclusion, and time-out for a student with a disability; TEC, §48.004, which requires the commissioner to adopt rules necessary for administering the Foundation School Program; TEC, §48.102, which establishes criteria for school districts to receive an annual allotment for students in a special education program; Texas Government Code, §392.002, which defines "authority" or "housing authority;" 34 CFR, §300.8, which defines terms regarding a child with a disability; 34 CFR, §300.100, which establishes eligibility criteria for a state to receive assistance; 34 CFR, §300.101, which defines the requirement for all children residing in the state between the ages of 3-21 to have a free appropriate education available; 34 CFR, §300.111, which defines the requirement of the state to have policies and procedures in place regarding child find; 34 CFR, §300.114, which defines least restrictive environment requirements; 34 CFR, §300.121, which establishes the requirement for a state to have procedural safeguards; 34 CFR, §300.122, which establishes the requirement for evaluation of children with disabilities; 34 CFR, §300.124, which establishes the requirement of the state to have policies and procedures in place regarding the transfer of children from the Part C program to the preschool program; 34 CFR, §300.129, which establishes criteria for the state responsibility regarding children in private schools; 34 CFR, §300.147, which establishes the criteria for the state education agency when implementing the responsibilities each must ensure for a child with a disability who is placed in or referred to a private school or facility by a public agency; 34 CFR, §300.149, which establishes the state education agency's responsibility for general supervision; 34 CFR, §300.151, which establishes the criteria for the adoption of state complaint procedures; 34 CFR, §300.152, which establishes the criteria for minimum state complaint procedures; 34 CFR, §300.153, which establishes the criteria for filing a complaint; 34 CFR, §300.156, which establishes the criteria for the state education agency to establish and maintain qualification proce-

dures for personnel serving children with disabilities; 34 CFR, §300.320, which defines the requirements for an individualized education program (IEP); 34 CFR, §300.322, which establishes the requirement for a parent participation opportunity at each IEP team meeting; 34 CFR, §300.323, which establishes the timeframe for when IEPs must be in effect; 34 CFR, §300.301, which establishes the requirement for initial evaluations; 34 CFR, §300.302, which clarifies that screening for instructional purposes is not an evaluation; 34 CFR, §300.303, which establishes the criteria for reevaluations; 34 CFR, §300.304, which establishes the criteria for reevaluation procedures; 34 CFR, §300.305, which establishes the criteria for additional requirements for evaluations and reevaluations; 34 CFR, §300.306, which defines the determination of eligibility; 34 CFR, §300.307, which establishes the criteria for determining specific learning disabilities; 34 CFR, §300.308, which establishes criteria for additional group members in determining whether a child is suspected of having a specific learning disability as defined in 34 CFR, §300.8; 34 CFR, §300.309, which establishes criteria for determining the existence of a specific learning disability; 34 CFR, §300.310, which establishes criteria for observation to document the child's academic performance and behavior in the areas of difficulty; 34 CFR, §300.311, which establishes criteria for specific documentation for the eligibility determination; 34 CFR, §300.500, which establishes the responsibility of a state education agency and other public agencies to ensure the establishment, maintenance, and implementation of procedural safeguards; 34 CFR, §300.506, which establishes the requirement of each public agency to establish procedures to resolve disputes through a mediation process; 34 CFR, §300.507, which establishes criteria for filing a due process complaint; and 34 CFR, §300.600, which establishes requirements for state monitoring and enforcement.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§28.025; 29.001; 29.003; 29.0031, as amended by House Bill (HB) 3928, 88th Texas Legislature, Regular Session, 2023; 29.0032, as amended by HB 3928, 88th Texas Legislature, Regular Session, 2023; 29.004; 29.005; 29.010; 29.011; 29.0111; 29.012; 29.017; 29.018; 30.001; 30.002; 30.083; 37.0021; 48.004; and 48.102; Texas Government Code, §392.002; and 34 Code of Federal Regulations (CFR), §§300.8, 300.100, 300.101, 300.111, 300.114, 300.121, 300.122, 300.124, 300.129, 300.147, 300.149, 300.151, 300.152, 300.153, 300.156, 300.320, 300.322, 300.323, 300.301, 300.302, 300.303, 300.304, 300.305, 300.306, 300.307, 300.308, 300.309, 300.310, 300.311, 300.500, 300.506, 300.507, and 300.600.

§89.1131. *Qualifications of Special Education, Related Service, and Paraprofessional Personnel.*

(a) All special education and related service personnel must be certified, endorsed, or licensed in the area or areas of assignment in accordance with 34 Code of Federal Regulations, §300.156; the Texas Education Code (TEC), §§21.002, 21.003, and 29.304; or appropriate state agency credentials.

(b) In accordance with TEC, §29.0032, a provider of dyslexia instruction is not required to be certified in special education unless the provider is employed in a special education position that requires the certification.

(c) A teacher who holds a special education certificate or an endorsement may be assigned to any level of a basic special education instructional program serving eligible students 3-21 years of age, as defined in §89.1035(a) of this title (relating to Age Ranges for Student

Eligibility), in accordance with the limitation of their certification, except for the following.

(1) Persons assigned to provide speech therapy instructional services must hold a valid Texas Education Agency certificate in speech and hearing therapy or speech and language therapy, or a valid state license as a speech/language pathologist.

(2) Teachers certified in the education of students with visual impairments must be available to students with visual impairments, including deaf-blindness, through one of the school district's instructional options, a shared services arrangement with other school districts, or an education service center.

(3) Teachers certified in the education of students who are deaf or hard of hearing must be available to students who are deaf or hard of hearing, including deaf-blindness, through one of the school district's instructional options, a regional day school program for the deaf, or a shared services arrangement with other school districts.

(4) The following provisions apply to physical education when an admission, review, and dismissal (ARD) committee has determined that a student requires specially designed instruction in physical education.

(A) When the ARD committee has made the determination and the arrangements are specified in the student's individualized education program, physical education may be provided by those authorized under §231.703 of this title (relating to Teacher of Adaptive Physical Education) and the following personnel:

(i) special education instructional or related service personnel who have the necessary skills and knowledge;

(ii) physical education teachers;

(iii) occupational therapists;

(iv) physical therapists; or

(v) occupational therapy assistants or physical therapist assistants working under supervision in accordance with the standards of their profession.

(B) When these services are provided by special education personnel, the district must document that they have the necessary skills and knowledge. Documentation may include, but need not be limited to, inservice records, evidence of attendance at seminars or workshops, or transcripts of college courses.

(5) Teachers assigned full-time or part-time to instruction of students from birth through age two with visual impairments, including deaf-blindness, must be certified in the education of students with visual impairments. Teachers assigned full-time or part-time to instruction of students from birth through age two who are deaf or hard of hearing, including deaf-blindness, must be certified in education for students who are deaf and hard of hearing.

(d) Paraprofessional personnel working as educational aides must be certified and may be assigned to work with eligible students, general and special education teachers, and related service personnel. Educational aides may also be assigned to assist students with special education transportation, serve as a job coach, or serve in support of community-based instruction. Educational aides paid from state administrative funds may be assigned to special education clerical or administrative duties.

(e) Interpreting services for students who are deaf must be provided by an interpreter who is certified in the appropriate language mode(s), if certification in such mode(s) is available. If certification is available, the interpreter must be a certified member of or certified

by the Registry of Interpreters for the Deaf or the Texas Board for Evaluation of Interpreters.

(f) Orientation and mobility instruction must be provided by a certified orientation and mobility specialist who is certified by the Academy for Certification of Vision Rehabilitation and Education Professionals.

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 105. FOUNDATION SCHOOL PROGRAM

SUBCHAPTER DD. COMMISSIONER'S RULES CONCERNING UNIVERSITY INTERSCHOLASTIC LEAGUE ALLOTMENT

19 TAC §105.1031

The Texas Education Agency (TEA) adopts new §105.1031, concerning the allotment for non-enrolled students participating in University Interscholastic League (UIL) activities. The new section is adopted with changes to the proposed text as published in the March 22, 2024 issue of the *Texas Register* (49 TexReg 1840) and will be republished. The new rule implements House Bill (HB) 3708, 88th Texas Legislature, Regular Session, 2023, by establishing provisions related to an allotment for local educational agencies that allow non-enrolled students to participate in UIL activities.

REASONED JUSTIFICATION: HB 547, 87th Texas Legislature, Regular Session, 2021, enabled public school districts to extend the option of UIL participation to non-enrolled students who live within the district's borders. The bill defined a non-enrolled student as one who is home-schooled. The expansion of participation benefited both students and schools, as participating home-schooled students receive the educational enrichment of UIL activities and schools offer their services to more students in their community. However, school districts that provide these opportunities to home-schooled students receive no additional funding to accommodate the increased number of participants in their programs. HB 3708, 88th Texas Legislature, Regular Session, 2023, helps to support school districts in expanding their UIL programs to include home-schooled students by providing for an annual allotment of \$1,500 per UIL activity in which a non-enrolled student participates.

Adopted new §105.1031 implements HB 3708 by establishing definitions; specifying the data used to calculate the estimated and final entitlement; and providing requirements for the UIL activities, student participation, and documentation.

In response to public comment, "for each non-enrolled student" was added to §105.1031(b) at adoption to clarify that the rule provides schools \$1,500 per non-enrolled student per activity.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period began March 22, 2024, and ended April 22, 2024. Following is a summary of public comments received and agency responses.

Comment: The Texas Home School Coalition (THSC) recommended that §105.1031(b) be changed to read, "In accordance with Texas Education Code (TEC), §48.305, a school district or open-enrollment charter school that allows participation of non-enrolled students in UIL activities under TEC, §33.0832, is entitled, for each non-enrolled student, to an annual allotment of \$1,500 for each UIL activity in which the non-enrolled student participates." The organization commented that as proposed, the rule could be misinterpreted to say that the school receives only \$1,500 for the UIL activity regardless of the number of students participating in the activity. THSC stated that the suggested change would ensure that the rule is understood to provide schools \$1,500 per non-enrolled student per activity as opposed to \$1,500 per activity that has a non-enrolled student participating.

Response: The agency agrees and added "for each non-enrolled student" to §105.1031(b) at adoption to clarify that the rule provides schools \$1,500 per non-enrolled student per activity.

Comment: A parent expressed support for the rule and stated that it would likely convince the local district to allow the parent's child, who is home-schooled, to participate in the band program.

Response: The agency agrees with support for the rule.

Comment: An individual commented that the proposed rule limits students' participation to only the district in which they live and recommended allowing students to participate with any school district, especially if the district they reside in does not participate. The commenter stated that it is likely that many school districts will not participate, thereby limiting student participation.

Response: The agency disagrees that students should be able to participate with any school district. TEC, §33.0832(e), establishes that a non-enrolled student may only participate in a league activity for the school in the school district that the student would be eligible to attend based on the student's residential address.

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §33.0832(a)(2), which defines a non-enrolled student as one who predominantly receives instruction that is provided by the parent, or a person standing in parental authority, in or through the child's home; TEC, §48.004, which requires the commissioner of education to adopt rules as necessary to implement and administer the Foundation School Program; and TEC, §48.305, as added by House Bill 3708, 88th Texas Legislature, Regular Session, 2023, which permits each school district that allows participation for a non-enrolled student to receive an annual allotment of \$1,500 for each league activity in which the student participates.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §§33.0832(a)(2); 48.004; and 48.305, as added by House Bill 3708, 88th Texas Legislature, Regular Session, 2023.

§105.1031. Allotment for Non-enrolled Students Participating in University Interscholastic League Activities.

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

(1) Activity season--The period established by a school or the University Interscholastic League (UIL) in which practices, rehearsals, and interschool competitions or contests take place.

(2) Non-enrolled student--A student who predominantly receives instruction in a general elementary or secondary education program that is provided by the parent, or a person standing in parental authority, in or through the child's home. This may include a student who is designated as enrolled, not in membership.

(3) Participation--The active involvement of a student in a minimum of 75% of a combined total of practices, rehearsals, or preparation activities and associated competitions and contests, including selection as an alternate, for a specific UIL activity.

(4) University Interscholastic League or UIL activity--Any official UIL activity identified in the UIL Constitution and Contest Rules, not including pilot activities.

(b) In accordance with Texas Education Code (TEC), §48.305, a school district or open-enrollment charter school that allows participation of non-enrolled students in UIL activities under TEC, §33.0832, is entitled, for each non-enrolled student, to an annual allotment of \$1,500 for each UIL activity in which the non-enrolled student participates.

(c) In the fall of each school year, as part of the settle-up process for the preceding school year, data reported through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) summer submission will be used to calculate the allotment prescribed in subsection (b) of this section.

(d) UIL activities shall:

(1) be overseen by a school district- or charter school-approved coach or sponsor;

(2) provide for a minimum of four weeks of coach- or sponsor-led practice, rehearsal, or preparation specific to the activity within the designated activity season; and

(3) provide opportunities for students to take part in formal, interschool competitions or contests in the associated activity during the designated activity season.

(e) A school district or charter school may still receive the allotment if a student began the activity season without injury or illness and later experienced an injury or prolonged illness that prevented participation.

(f) For audit purposes, a school district or charter school shall maintain documentation to support the requirements of this section.

(g) School districts and charter schools will be provided with estimated funding during a school year for non-enrolled students based on the prior year's summer TSDS PEIMS data using the same methodology described in subsection (c) of this section to calculate the entitlement. The final entitlement will be based on data from the current school year as provided for in subsection (c) of this section. Any difference from the estimated entitlement will be addressed as part of the Foundation School Program settle-up process according to the provisions of TEC, §48.272.

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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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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



CHAPTER 112. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR SCIENCE

The State Board of Education (SBOE) adopts the repeal of §§112.10-112.16, 112.17-112.20, and 112.31-112.39, concerning Texas Essential Knowledge and Skills (TEKS) for science. The repeals are adopted without changes to the proposed text as published in the May 17, 2024 issue of the *Texas Register* (49 TexReg 3472) and will not be republished. The repeals remove the TEKS for Kindergarten-Grade 12 science and related implementation language that will be superseded by 19 TAC §§112.1-112.7, 112.25-112.28, and 112.41-112.51 beginning with the 2024-2025 school year.

REASONED JUSTIFICATION: In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject. In late 2019, the SBOE began the process to review and revise the TEKS for Kindergarten-Grade 12 science. At the recommendation of Work Group A, the SBOE directed the work groups to follow a backward-by-design approach to the revisions to the Kindergarten-Grade 12 science TEKS. Consequently, work groups started first with recommendations for revisions to the high school science TEKS. In November 2020, the SBOE approved for second reading and final adoption revised TEKS for four high school science courses: Biology, Chemistry, Physics, and Integrated Physics and Chemistry. At the June 2021 SBOE meeting, the board approved for second reading and final adoption new TEKS for Specialized Topics in Science and revised standards for Aquatic Science, Astronomy, Earth Science Systems (formerly titled Earth and Space Science), and Environmental Systems. At the November 2021 SBOE meeting, the board approved for second reading and final adoption new science TEKS for Kindergarten-Grade 8 with an implementation date of the 2024-2025 school year. At the November 2022 SBOE meeting, the board approved for second reading and final adoption the proposed amendment to §112.41 to ensure implementation language for all science courses was consistent.

The repeals remove the TEKS for Kindergarten-Grade 12 science and related implementation language that will be superseded by 19 TAC §§112.1-112.7, 112.25-112.28, and 112.41-112.51 beginning with the 2024-2025 school year.

The SBOE approved the repeals for first reading and filing authorization at its April 12, 2024 meeting and for second reading and final adoption at its June 28, 2024 meeting.

In accordance with Texas Education Code, §7.102(f), the SBOE approved the repeals 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 remove the TEKS for Kindergarten-Grade 12 science and re-

lated implementation language that will be superseded by 19 TAC §§112.1-112.7, 112.25-112.28, and 112.41-112.51 beginning with the 2024-2025 school year. The effective date is August 1, 2024.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began May 17, 2024, and ended at 5:00 p.m. on June 17, 2024. The SBOE also provided an opportunity for registered oral and written comments at its June 2024 meeting in accordance with the SBOE board operating policies and procedures. No public comments were received.

SUBCHAPTER A. ELEMENTARY

19 TAC §§112.10 - 112.16

STATUTORY AUTHORITY. The repeals are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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



SUBCHAPTER B. MIDDLE SCHOOL

19 TAC §§112.17 - 112.20

STATUTORY AUTHORITY. The repeals are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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



SUBCHAPTER C. HIGH SCHOOL

19 TAC §§112.31 - 112.39

STATUTORY AUTHORITY. The repeals are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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



CHAPTER 126. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR TECHNOLOGY APPLICATIONS

The State Board of Education (SBOE) adopts the repeal of §§126.5-126.7 and 126.13-126.16, concerning Texas Essential Knowledge and Skills (TEKS) for technology applications. The repeals are adopted without changes to the proposed text as published in the May 17, 2024, issue of the *Texas Register* (49 TexReg 3473) and will not be republished. The repeals remove the TEKS for Kindergarten-Grade 8 technology applications and related implementation language that will be superseded by 19 TAC §§126.1-126.3, 126.8-126.10, and 126.17-126.19 beginning with the 2024-2025 school year.

REASONED JUSTIFICATION: In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject. Technology applications is part of the required curriculum for Kindergarten-

Grade 8 only. In 2020, the SBOE approved the consolidation of the high school technology applications courses into the career and technical education TEKS. New elementary and middle school TEKS for technology applications were approved for second reading and final adoption at the June 2022 SBOE meeting and became effective August 7, 2022.

The repeals remove the TEKS for Kindergarten-Grade 8 technology applications and related implementation language that will be superseded by 19 TAC §§126.1-126.3, 126.8-126.10, and 126.17-126.19 beginning with the 2024-2025 school year.

The SBOE approved the repeals for first reading and filing authorization at its April 12, 2024 meeting and for second reading and final adoption at its June 28, 2024 meeting.

In accordance with Texas Education Code, §7.102(f), the SBOE approved the repeals 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 remove the TEKS for Kindergarten-Grade 8 technology applications and related implementation language that will be superseded by 19 TAC §§126.1-126.3, 126.8-126.10, and 126.17-126.19 beginning with the 2024-2025 school year. The effective date is August 1, 2024.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began May 17, 2024, and ended at 5:00 p.m. on June 17, 2024. The SBOE also provided an opportunity for registered oral and written comments at its June 2024 meeting in accordance with the SBOE board operating policies and procedures. No public comments were received.

SUBCHAPTER A. ELEMENTARY

19 TAC §§126.5 - 126.7

STATUTORY AUTHORITY. The repeals are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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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Cristina De La Fuente-Valadez

Director, Rulemaking

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



SUBCHAPTER B. MIDDLE SCHOOL

19 TAC §§126.13 - 126.16

STATUTORY AUTHORITY. The repeals are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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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Cristina De La Fuente-Valadez

Director, Rulemaking

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



CHAPTER 127. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR CAREER DEVELOPMENT AND CAREER AND TECHNICAL EDUCATION

The State Board of Education (SBOE) adopts the repeal of §§127.11, 127.12, 127.14-127.16, 127.309, 127.311, 127.402, 127.404-127.408, 127.412, 127.468, 127.473, 127.742, 127.743, 127.751, 127.752, 127.762, and 127.763, concerning Texas Essential Knowledge and Skills (TEKS) for career development and career and technical education (CTE). The repeals are adopted without changes to the proposed text as published in the May 17, 2024 issue of the *Texas Register* (49 TexReg 3475) and will not be republished. The repeals remove the TEKS and related implementation language that will be superseded by 19 TAC §§127.19-127.22, 127.323, 127.417, 127.420, 127.422-127.424, 127.433, 127.482, 127.781, 127.783, 127.784, 127.789, and 127.790 beginning with the 2024-2025 school year.

REASONED JUSTIFICATION: In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

The TEKS for courses associated with 14 CTE career clusters are codified by subchapter in 19 TAC Chapters 127 and 130. In December 2020, the SBOE began initial steps to prepare for the review and revision of CTE courses in programs of study for the education and training; health science; and science, technology, engineering, and mathematics career clusters. Two additional courses eligible to satisfy a graduation requirement in science were also part of the review. The board approved for

second reading and final adoption new TEKS for these courses in November 2021 and January, April, and June 2022.

At the November 2023 SBOE meeting, the board approved new CTE TEKS in 19 TAC Chapter 127 for courses in career preparation and entrepreneurship, which became effective February 13, 2024, and will be implemented beginning in the 2024-2025 school year.

The repeals remove the TEKS and related implementation language that will be superseded by 19 TAC §§127.19-127.22, 127.323, 127.417, 127.420, 127.422-127.424, 127.433, 127.482, 127.781, 127.783, 127.784, 127.789, and 127.790 beginning with the 2024-2025 school year.

The SBOE approved the repeals for first reading and filing authorization at its April 12, 2024 meeting and for second reading and final adoption at its June 28, 2024 meeting.

In accordance with Texas Education Code, §7.102(f), the SBOE approved the repeals 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 remove the TEKS and related implementation language that will be superseded by 19 TAC §§127.19-127.22, 127.323, 127.417, 127.420, 127.422-127.424, 127.433, 127.482, 127.781, 127.783, 127.784, 127.789, and 127.790 beginning with the 2024-2025 school year. The effective date is August 1, 2024.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began May 17, 2024, and ended at 5:00 p.m. on June 17, 2024. The SBOE also provided an opportunity for registered oral and written comments at its June 2024 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comment received and the corresponding response.

Comment. One teacher stated that skills covered in debate are foundational communication skills and after three years of debate a student should be considered a "CTE completer" for a program of study.

Response. This comment is outside the scope of the proposed rulemaking. Additionally, the SBOE provides the following clarification. CTE programs of study are established by the Texas Education Agency, not the SBOE.

SUBCHAPTER B. HIGH SCHOOL

19 TAC §§127.11, 127.12, 127.14 - 127.16

STATUTORY AUTHORITY. The repeals are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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SUBCHAPTER G. EDUCATION AND TRAINING

19 TAC §127.309, §127.311

STATUTORY AUTHORITY. The repeals are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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 I. HEALTH SCIENCE

19 TAC §§127.402, 127.404 - 127.408, 127.412

STATUTORY AUTHORITY. The repeals are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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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Cristina De La Fuente-Valadez
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**SUBCHAPTER J. HOSPITALITY AND
TOURISM**

19 TAC §127.468, §127.473

STATUTORY AUTHORITY. The repeals are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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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Cristina De La Fuente-Valadez
Director, Rulemaking
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For further information, please call: (512) 475-1497

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**SUBCHAPTER O. SCIENCE, TECHNOLOGY,
ENGINEERING, AND MATHEMATICS**

**19 TAC §§127.742, 127.743, 127.751, 127.752, 127.762,
127.763**

STATUTORY AUTHORITY. The repeals are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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

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**CHAPTER 130. TEXAS ESSENTIAL
KNOWLEDGE AND SKILLS FOR CAREER
AND TECHNICAL EDUCATION**

The State Board of Education (SBOE) adopts the repeal of §130.278 and §130.384, concerning Texas Essential Knowledge and Skills (TEKS) for career and technical education (CTE). The repeals are adopted without changes to the proposed text as published in the May 17, 2024 issue of the *Texas Register* (49 TexReg 3477) and will not be republished. The repeals remove the TEKS and related implementation language that will be superseded by 19 TAC §127.275 and §127.318 beginning with the 2024-2025 school year.

REASONED JUSTIFICATION: In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

The TEKS for courses associated with 14 CTE career clusters are codified by subchapter in 19 TAC Chapters 127 and 130. In December 2020, the SBOE began initial steps to prepare for the review and revision of CTE courses in programs of study for the education and training; health science; and science, technology, engineering, and mathematics career clusters. Two additional courses eligible to satisfy a graduation requirement in science were also part of the review. The board approved for second reading and final adoption new TEKS for these courses in November 2021 and January, April, and June 2022.

At the November 2023 SBOE meeting, the board approved new CTE TEKS in 19 TAC Chapter 127 for courses in career preparation and entrepreneurship, which became effective February 13, 2024, and will be implemented beginning in the 2024-2025 school year.

The repeals remove the TEKS and related implementation language that will be superseded by 19 TAC §127.275 and §127.318 beginning with the 2024-2025 school year.

The SBOE approved the repeals for first reading and filing authorization at its April 12, 2024 meeting and for second reading and final adoption at its June 28, 2024 meeting.

In accordance with Texas Education Code, §7.102(f), the SBOE approved the repeals 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 remove the TEKS and related implementation language that will be

superseded by 19 TAC §127.275 and §127.318 beginning with the 2024-2025 school year. The effective date is August 1, 2024.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began May 17, 2024, and ended at 5:00 p.m. on June 17, 2024. The SBOE also provided an opportunity for registered oral and written comments at its June 2024 meeting in accordance with the SBOE board operating policies and procedures. No public comments were received.

SUBCHAPTER J. HUMAN SERVICES

19 TAC §130.278

STATUTORY AUTHORITY. The repeal is adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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-202403077

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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



SUBCHAPTER N. MARKETING

19 TAC §130.384

STATUTORY AUTHORITY. The repeal is adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

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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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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



CHAPTER 227. PROVISIONS FOR EDUCATOR PREPARATION CANDIDATES

The State Board for Educator Certification (SBEC) adopts amendments to 19 Texas Administrative Code (TAC) §§227.1, 227.5, 227.10, and 227.103, concerning provisions for educator preparation candidates. The amendments are adopted without changes to the proposed text as published in the March 15, 2024 issue of the *Texas Register* (49 TexReg 1629) and will not be republished. The adopted amendments make conforming changes to the Chapter 227 rules given the adopted updates to Chapter 228, Requirements for Educator Preparation Programs, and Chapter 230, Professional Educator Preparation and Certification. The adopted changes also update the Pre-Admission Content Test (PACT) figure to include the adopted new certificates and aligned PACT exams as well as adopted cut scores.

REASONED JUSTIFICATION: The SBEC rules in 19 TAC Chapter 227 are organized as follows: Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility. These subchapters establish requirements for admission into an educator preparation program (EPP) and preliminary evaluation of certification eligibility.

These requirements ensure that EPPs attract and admit applicants who demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of Texas.

The following is a description of the adopted amendments to 19 TAC Chapter 227. The adopted amendments update rule references based on the adopted revisions to 19 TAC Chapter 228 and update the PACT figure to include the new certificate names and aligned PACT names and associated passing standards based on the adopted revisions to 19 TAC Chapter 230.

Subchapter A. Admission to Educator Preparation Programs

Adopted Amendment to 19 TAC §227.1. General Provisions

The adopted amendment to 19 TAC §227.1(c)(3) updates the statutory reference from Texas Education Code (TEC), §21.044(e)(3), to TEC, §21.044(g), to conform with updates to statute.

Adopted Amendment to 19 TAC §227.5. Definitions

The adopted amendment to the definition for alternative certification program in 19 TAC §227.5(2) updates the reference from 19 TAC §228.20(a) to adopted new 19 TAC §228.25, Governance of Educator Preparation Programs. The adopted amendment to the definition for clinical teaching in 19 TAC §227.5(7) updates the reference from 19 TAC §228.35 to adopted new 19 TAC §228.67, Clinical Teaching. The adopted amendment to the definition for content pedagogy examinations in 19 TAC §227.5(9) changes "examinations" to "examination" to mirror use of the singular term in the definition for content certification examination in 19 TAC §227.5(8).

Adopted Amendment to 19 TAC §227.10. Admission Criteria

The adopted amendment to 19 TAC §227.10(a)(1) updates the language from "an undergraduate university program" to "a university undergraduate or post-baccalaureate program" to align with the exit policy in adopted new 19 TAC §228.31(b), Minimum Educator Preparation Program Obligations to All Candidates.

The adopted amendment to 19 TAC §227.10(g) updates the reference from 19 TAC §228.35(i)(2) to adopted new 19 TAC §228.45(b), Coursework and Training Requirements for Early Childhood-Grade 3. The adopted amendment also expands the list of certificates, from 17 to 22, that a certified educator may hold to enroll in an EPP and complete the course of instruction that qualifies him or her to pursue the early childhood certification, including five adopted new Core: Early Childhood-Grade 6 certificates, which were adopted updates to 19 TAC Chapter 233, Categories of Classroom Teaching Certificates.

Adopted Amendment to 19 TAC §227.10(a)(4)(C)

Update to Figure for Pre-Admission Content Test Requirements

The adopted amendment to Figure: 19 TAC §227.10(a)(4)(C) provides two technical edits, including moving the certificate Early Childhood: Prekindergarten-Grade 3 from Core Subjects to Early Childhood and removing the section header language for "Certification category (continued)" throughout to align with the adopted updates to Figure: 19 TAC §230.21(e).

The adopted amendment to Figure: 19 TAC §227.10(a)(4)(C) removes the certificates Core Subjects Early Childhood-Grade 6, Core Subjects Grades 4-8, English Language Arts and Reading Grades 4-8, and English Language Arts and Reading/Social Studies Grades 4-8 to align with adopted updates to Figure: 19 TAC §230.21(e).

The adopted amendment to Figure: 19 TAC §227.10(a)(4)(C) adjusts the passing standard for 790 Texas PACT Core Subjects 4-8 from 94 out of 160 selected response items to 82 out of 128 selected response items, based on updated standard setting committee recommendations.

The adopted amendment to Figure: 19 TAC §227.10(a)(4)(C) also adds the certificates for Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6, Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6, Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6, Core/English as a Second Language with the Science of Teaching Reading: Early Childhood-Grade 6, and Special Education Specialist: Early Childhood-Grade 12 to align with proposed updates to Figure: 19 TAC §230.21(e), including the adopted PACT and associated passing standard.

Finally, the adopted amendment to Figure: 19 TAC §227.10(a)(4)(C) adds a new certification category and PACT for Tamil: Early Childhood-Grade 12, in alignment with adopted updates to Figure: 19 TAC §230.21(e). The adopted amendment also clarifies that a passing standard for Tamil: Early Childhood-Grade 12 would be established in the future, in alignment with the launch of the certificate and associated exam in September 2025, which would be codified in future rulemaking.

Subchapter B. Preliminary Evaluation of Certification Eligibility

Adopted Amendment to 19 TAC §227.103. Application

The adopted amendment to 19 TAC §227.103(a) updates the section to mirror language used in 19 TAC §227.107(a) to reference the schedule of fees for certification services.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began March 15, 2024, and ended April 15, 2024. The SBEC also provided an opportunity for registered oral and written comments on the proposal at the April 26, 2024 meeting's public comment period in accordance with the SBEC board operating policies and procedures. No public comments were received on the proposal.

The State Board of Education (SBOE) took no action on the review of the amendments to §§227.1, 227.5, 227.10, and 227.103 at the June 28, 2024 SBOE meeting.

SUBCHAPTER A. ADMISSION TO EDUCATOR PREPARATION PROGRAMS

19 TAC §§227.1, 227.5, 227.10

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code (TEC), §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators and states that in proposing rules under TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(4), which specifies the requirements for the issuance and renewal of an educator certificate; TEC, §21.044(a)(2), which requires SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; TEC, §21.044(g)(2) and (3), which requires each educator preparation program (EPP) to provide certain information related to the effect of supply and demand forces on the educator workforce of the state and the performance over time of the EPP; TEC, §21.0441, which requires SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.0489(c), which requires SBEC to adopt rules establishing eligibility requirements for an Early Childhood: Prekindergarten-Grade 3 certificate; TEC, §21.049(a), which authorizes SBEC to propose rules providing for educator certification programs as an alternative to traditional EPPs; and TEC, §21.050(a), which requires a person who applies for a teaching certificate for which SBEC rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, that is related to the curriculum as prescribed under TEC, Chapter 28, Subchapter A; and Texas Occupations Code (TOC), §53.151, which sets the definitions of "licensing authority" and "occupational license" to have the meanings assigned to those terms by TOC, §58.001; TOC, §53.152, which requires EPPs to provide applicants and enrollees certain notice regarding potential ineligibility for a certificate based on convicted offenses, the SBEC rules regarding the certificate eligibility of an individual with a criminal history, and the right of the individual to request a criminal history evaluation letter; and TOC, §53.153, which requires an EPP to refund tuition, application fees, and examination fees paid by an individual if the EPP failed to provide the required notice under the TOC, §53.152, to an individual who was denied a certificate because the individual was convicted of an offense.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§21.031; 21.041(b)(1) and (4); 21.044(a)(2) and (g)(2) and (3); 21.0441; 21.0489(c); 21.049(a); and 21.050(a); and Texas Occupations Code, §§53.151, 53.152, and 53.153.

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 July 15, 2024.

TRD-202403102

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Effective date: August 4, 2024

Proposal publication date: March 15, 2024

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



SUBCHAPTER B. PRELIMINARY EVALUATION OF CERTIFICATION ELIGIBILITY

19 TAC §227.103

STATUTORY AUTHORITY. The amendment is adopted under Texas Occupations Code (TOC), §53.105, which specifies that a licensing authority may charge a person requesting an evaluation under TOC, Chapter 53, Subchapter D, a fee adopted by the authority. Fees adopted by a licensing authority under TOC, Chapter 53, Subchapter D, must be in an amount sufficient to cover the cost of administering this subchapter.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Occupations Code, §53.105.

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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Cristina De La Fuente-Valadez

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State Board for Educator Certification

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TITLE 22. EXAMINING BOARDS

PART 22. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

CHAPTER 511. ELIGIBILITY

SUBCHAPTER H. CERTIFICATION

22 TAC §511.163

The Texas State Board of Public Accountancy (Board) adopts an amendment to §511.163 concerning Board-Approved Ethics

Requirement and Examination on the Rules of Professional Conduct, without changes to the proposed text as published in the May 31, 2024, issue of the *Texas Register* (49 TexReg 3900) and will not be republished.

The Board wants a CPA to be familiar with the Board's Ethics Rules concurrent with initial licensure. With CPA candidates permitted to take the CPA exam at 120 hours, the CPE on the Ethics Rules should not be tied to a rule addressing the exam. The requirement of CPE on the Rules of Professional Conduct is being removed from this rule in order that it may be addressed in Board Rule 523.130 and initial licensure.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the adoption.

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

Filed with the Office of the Secretary of State on July 11, 2024.

TRD-202403049

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

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For further information, please call: (512) 305-7842



CHAPTER 523. CONTINUING PROFESSIONAL EDUCATION

SUBCHAPTER C. ETHICS RULES: INDIVIDUALS AND SPONSORS

22 TAC §523.130

The Texas State Board of Public Accountancy (Board) adopts an amendment to §523.130 concerning Ethics Course Requirements, without changes to the proposed text as published in the May 31, 2023, issue of the *Texas Register* (49 TexReg 3901) and will not be republished.

The Board wants a CPA to be familiar with the Board's Ethics Rules concurrent with initial licensure. This rule requires a licensee to take CPE on the Rules of Professional Conduct within two years of initial licensure.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the adoption.

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

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SUBCHAPTER D. STANDARDS FOR CONTINUING PROFESSIONAL EDUCATION PROGRAMS AND RULES FOR SPONSORS

22 TAC §523.140

The Texas State Board of Public Accountancy (Board) adopts an amendment to §523.140 concerning Program Standards, without changes to the proposed text as published in the May 31, 2024, issue of the *Texas Register* (49 TexReg 3902) and will not be republished.

A CPE self-study program must contain at least three questions for each "learning objective" to help the student understand the materials studied. The rule was not intended to require three questions for each CPE credit. The rule is being revised to clarify that the questions must be tied to learning objectives.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the adoption.

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

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TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 9. PROPERTY TAX ADMINISTRATION

SUBCHAPTER O. TEXAS JOBS, ENERGY, TECHNOLOGY AND INNOVATION PROGRAM

34 TAC §9.5004, §9.5013

The Comptroller of Public Accounts adopts amendments to §9.5004, concerning application process, and adopts new §9.5013, concerning hearings, without changes to the proposed text as published in the May 31, 2024, issue of the *Texas Register* (49 TexReg 3916). The rules will not be republished.

This implements aspects of the Texas Jobs, Energy, Technology and Innovation Act ("Act") set forth in Government Code, Subchapter T, Chapter 403, which was enacted by House Bill 5, 88th Legislature, R.S., 2023.

The amendment to §9.5004 deletes subsection (e) to permit the information described by Government Code, §403.622(a) to be posted on the comptroller's website before a determination on administrative completeness. The subsequent paragraphs are relettered accordingly.

New §9.5013 outlines the applicable hearing procedures under the Act.

The comptroller did not receive any comments regarding adoption of the amendment and new section.

The new section and amendments are adopted under Government Code, §403.623, which permits the comptroller to adopt rules regarding the Texas Jobs, Energy, Technology and Innovation Act as necessary to implement that chapter.

The new section and amendments implement Government Code, Chapter 403.

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 July 9, 2024.

TRD-202403026

Victoria North

General Counsel for Fiscal Agency Affairs

Comptroller of Public Accounts

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For further information, please call: (512) 475-2220



CHAPTER 20. STATEWIDE PROCUREMENT AND SUPPORT SERVICES

SUBCHAPTER B. PUBLIC PROCUREMENT AUTHORITY AND ORGANIZATION

DIVISION 3. CONTRACT MANAGEMENT GUIDE AND TRAINING

34 TAC §20.133

The Comptroller of Public Accounts adopts an amendment to §20.133, concerning training and certification program, without changes to the proposed text as published in the May 17, 2024, issue of the *Texas Register* (49 TexReg 3485). The rule will not be republished.

The comptroller amends this section to assist state agencies so that they may fulfill their purchasing functions and contract development obligations. The comptroller is responding to the workforce shortage in this career field. Many state agencies rely on contractors and temporary workers to perform purchasing functions. However, without the means to obtain the proper credentials, these contractors and temporary workers are limited in their ability to perform their assigned duties. This amendment is designed to close this gap. Thus, the amendment should increase the number of workers with these vital credentials; create opportunities for these workers to obtain full-time state employment in this career field; and increase the likelihood of retention of these valuable talents and skills for the State of Texas.

This amendment adds a definition of contractor in subsection (b). The amendment of subsection (c)(1) requires contractors retained by a state agency to perform purchasing functions to complete the Statewide Procurement Division's (SPD's) Texas Purchasing Course. In addition, the amendment of subsection (c)(2)(A) requires contractors retained by a state agency to perform contract development functions to become certified as Certified Texas Contract Developers. The amendment of subsection (c)(2)(A) will also correct a minor grammatical error. Finally, the amendment of subsection (d) provides direction to the SPD Director to decide when contractors may obtain such training and certification.

The comptroller did not receive any comments regarding adoption of the amendment.

This amendment is adopted under Government Code, §656.051(a), which grants to the comptroller the authority to establish and offer appropriate training to vendors on a cost recovery basis, as well as the authority to adopt rules to administer Section 656.051. The amendment is also adopted under Government Code, §656.054(a), which requires the comptroller to develop training programs under the State Employees Training Act that meet the needs of state agencies.

The amendment implements Government Code, §656.051 and §656.054.

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 July 10, 2024.

TRD-202403043

Don Neal

General Counsel, Operations and Support Legal Services

Comptroller of Public Accounts

Effective date: July 30, 2024

Proposal publication date: May 17, 2024

For further information, please call: (512) 475-2220



DIVISION 4. IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

34 TAC §20.157

The Comptroller of Public Accounts adopts the amendment to §20.157, concerning adherence to ethical standards, without changes to the proposed text as published in the May 17, 2024,

issue of the *Texas Register* (49 TexReg 3488). The rule will not be republished.

This amendment will require that contractors retained by a state agency to perform purchasing functions or to perform contract development functions must adhere to the same ethical standards required of comptroller employees, and must also avoid all conflicts of interest in their purchasing activities.

Many state agencies rely on contractors and temporary workers to perform purchasing functions. The comptroller amends this section because it is in the public's interest that contractors working in the state public procurement arena in Texas be held to the same ethical standards as comptroller employees.

Contemporaneous with this adoption, the comptroller is adopting an amendment of §20.133, concerning training and certification program. Under that amendment, contractors retained by a state agency to perform purchasing functions must complete the Statewide Procurement Division's (SPD's) Basic Texas Purchaser Course and contractors retained by a state agency to perform contract development functions must become certified as Certified Texas Contract Developers.

The comptroller did not receive any comments regarding adoption of the amendment.

This amendment is adopted under Government Code, §656.051(a), which grants the comptroller the authority to establish and offer appropriate training to vendors, including ethics training, on a cost recovery basis, as well as the authority to adopt rules to administer Government Code, §656.051. The amendment is also adopted under Government Code, §656.054(a), which requires the comptroller to develop training programs under the State Employees Training Act that meet the needs of state agencies.

The amendment implements Government Code, §656.051 and §656.054.

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-202403044

Don Neal

General Counsel, Operations and Support Legal Services

Comptroller of Public Accounts

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For further information, please call: (512) 475-2220



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

CHAPTER 211. ADMINISTRATION

37 TAC §211.24

The Texas Commission on Law Enforcement (Commission) adopts new 37 Texas Administrative Code §211.24, Licensee

Service Report Database, without changes to the proposed text as published in the May 17, 2024, issue of the *Texas Register* (49 TexReg 3488). The rule will not be republished.

This adopted new rule conforms with the addition of Texas Occupations Code §1701.205 made by Senate Bill 1445 (88R). Texas Occupations Code §1701.205 requires the Commission to establish a public database containing the service reports of each officer licensed by the Commission and to track each user's activity on the public database. It also requires the Commission to adopt rules to exclude the service report for certain officers from the public database if including the service report would create a safety risk for an undercover officer or an officer involved in an active sensitive operation. The adopted new rule outlines the process for an officer or a law enforcement agency to request that the service report for these certain officers be excluded from the public database and states how long certain user activity will be maintained by the Commission.

The public comment period began on May 17, 2024, and ended on June 20, 2024, at the conclusion of the public meeting of the Commission. No public comments were received regarding adoption of the new rule as proposed.

The new rule is adopted under Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, and §1701.205, Officer Personal Service Reports. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.205 requires the Commission to adopt rules to exclude from the public database service reports for certain officers.

The new rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, and §1701.205, Officer Personal Service Reports. No other code, article, or statute is affected by this adoption.

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

Filed with the Office of the Secretary of State on July 12, 2024.

TRD-202403079

Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

Effective date: September 1, 2024

Proposal publication date: May 17, 2024

For further information, please call: (512) 936-7700



CHAPTER 218. CONTINUING EDUCATION

37 TAC §218.3

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §218.3, Legislatively Required Continuing Education for Licensees, with changes to the proposed text as published in the May 17, 2024, issue of the *Texas Register* (49 TexReg 3489). The rule will be republished.

This adopted amended rule conforms with the amendment to Texas Occupations Code §1701.253(q) and the addition of Texas Occupations Code §1701.3525 made by Senate Bill 1852 (88R).

Texas Occupations Code §1701.3525 requires that officers complete not less than 16 hours of training on responding to an active shooter as part of the officer's required 40 hours of continuing education every 24 months. This adopted amended rule clarifies the continuing education requirements regarding the 16 hours of Advanced Law Enforcement Rapid Response Training (ALERRT) for chief administrators licensed as peace officers and all other peace officers. All officers must complete ALERRT Level 1 training by August 31, 2027. Chief administrators licensed as peace officers must complete ALERRT command and leadership training each training unit as part of the 16 hours of required continuing education on responding to an active shooter. This will provide chief administrators with appropriate instruction on commanding an active shooter scene.

The public comment period began on May 17, 2024, and ended on June 20, 2024, at the conclusion of the public meeting of the Commission. One public comment was received supporting the adoption of the amendment in its adopted form.

Gene Ellis, Executive Director of the Texas Police Chiefs Association, agreed with the Commission in removing from the proposed amended rule the requirement that a chief administrator's designated senior level peace officers complete ALERRT command and leadership training because designated senior level peace officers cannot be defined due to the differences in law enforcement agencies across the state. Removal of this requirement does not prevent a chief administrator from sending senior level peace officers to ALERRT command and leadership training.

The amended rule is adopted under Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, and §1701.253, School Curriculum. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to education and training for the licensing of officers. Texas Occupations Code §1701.253 requires the Commission to establish minimum curriculum requirements.

The amended rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, §1701.253, School Curriculum, §1701.351, Continuing Education Required for Peace Officers, and §1701.3525, Active Shooter Response Training Required for Officers. No other code, article, or statute is affected by this adoption.

The adopted amended rule has been reviewed by legal counsel and found to be a valid exercise of the Commission's legal authority.

§218.3. *Legislatively Required Continuing Education for Licensees.*

(a) Each licensee shall complete the legislatively mandated continuing education in this chapter. Each appointing agency shall allow the licensee the opportunity to complete the legislatively mandated continuing education in this chapter. This section does not limit the number or hours of continuing education an agency may provide.

(b) Each training unit (2 years)

(1) Peace officers shall complete at least 40 hours of continuing education, to include the corresponding legislative update for that unit. Peace officers shall complete not less than 16 hours of training on responding to an active shooter as developed by the Advanced Law Enforcement Rapid Response Training Center at Texas State University-San Marcos. All peace officers shall complete ALERRT Level

1 training not later than August 31, 2027. Training for all chief administrators, who are licensed as peace officers, shall include ALERRT command and leadership training each training unit.

(2) Telecommunicators shall complete at least 20 hours of continuing education to include cardiopulmonary resuscitation training.

(c) Each training cycle (4 years)

(1) Peace officers who have not yet reached intermediate proficiency certification shall complete: Cultural Diversity (3939), Special Investigative Topics (3232), Crisis Intervention (3843) and De-escalation (1849).

(2) Individuals licensed as reserve law enforcement officers, jailers, or public security officers shall complete Cultural Diversity (3939), unless the person has completed or is otherwise exempted from legislatively required training under another commission license or certificate.

(d) Assignment specific training

(1) Police chiefs: individuals appointed as "chief" or "police chief" of a police department shall complete:

(A) For an individual appointed to that individual's first position as chief, the initial training program for new chiefs provided by the Bill Blackwood Law Enforcement Management Institute, not later than the second anniversary of that individual's appointment or election as chief; and

(B) At least 40 hours of continuing education for chiefs each 24-month unit, as provided by the Bill Blackwood Law Enforcement Management Institute.

(2) Constables: elected or appointed constables shall complete:

(A) For an individual appointed or elected to that individual's first position as constable, the initial training program for new constables provided by the Bill Blackwood Law Enforcement Management Institute, not later than the second anniversary of that individual's appointment or election as constable; and

(B) Each 48 month cycle, at least 40 hours of continuing education for constables, as provided by the Bill Blackwood Law Enforcement Management Institute and a 20 hour course of training in civil process to be provided by a public institution of higher education selected by the Commission.

(3) Deputy constables: each deputy constable shall complete a 20 hour course of training in civil process each training cycle. The commission may waive the requirement for this training if the constable, in the format required by TCOLE, requests exemption due to the deputy constable not engaging in civil process as part of their assigned duties.

(4) New supervisors: each peace officer assigned to their first position as a supervisor must complete new supervisor training within one year prior to or one year after appointment as a supervisor.

(5) School-based Law Enforcement Officers: School district peace officers and school resource officers providing law enforcement services at a school district must obtain a school-based law enforcement proficiency certificate within 180 days of the officer's commission or placement in the district or campus of the district.

(6) Eyewitness Identification Officers: peace officers performing the function of eyewitness identification must first complete the Eyewitness Identification training (3286).

(7) Courtroom Security Officers/Persons: any person appointed to perform courtroom security functions at any level shall complete the Courtroom Security course (10999) within 1 year of appointment.

(8) Body-Worn Cameras: peace officers and other persons meeting the requirements of Occupations Code 1701.656 must first complete Body-Worn Camera training (8158).

(9) Officers Carrying Epinephrine Auto-injectors: peace officers meeting the requirements of Occupations Code 1701.702 must first complete epinephrine auto-injector training.

(10) Jailer Firearm Certification: jailers carrying a firearm as part of their assigned duties must first obtain the Jailer Firearms certificate before carrying a firearm.

(11) University Peace Officers, Trauma-Informed Investigation Training: each university or college peace officer shall complete an approved course on trauma-informed investigation into allegations of sexual harassment, sexual assault, dating violence, and stalking.

(e) Miscellaneous training

(1) Human Trafficking: every peace officer first licensed on or after January 1, 2011, must complete Human Trafficking (3270) within 2 years of being licensed.

(2) Canine Encounters: every peace officer first licensed on or after January 1, 2016, must take Canine Encounters (4065) within 2 years of being licensed.

(3) Deaf and Hard of Hearing Drivers: every peace officer licensed on or after March 1, 2016, must complete Deaf and Hard of Hearing Drivers (7887) within 2 years of being licensed.

(4) Civilian Interaction Training: every peace officer licensed before January 1, 2018, must complete Civilian Interaction Training Program (CITP) within 2 years. All other peace officers must complete the course within 2 years of being licensed.

(5) Crisis Intervention Training: every peace officer licensed on or after April 1, 2018, must complete the 40 hour Crisis Intervention Training within 2 years of being licensed.

(6) Mental Health for Jailers: all county jailers must complete Mental Health for Jailers not later than August 31, 2021.

(f) The Commission may choose to accept an equivalent course for any of the courses listed in this chapter, provided the equivalent course is evaluated by commission staff and found to meet or exceed the minimum curriculum requirements of the legislatively mandated course.

(g) The commission shall provide adequate notice to agencies and licensees of impending non-compliance with the legislatively required continuing education.

(h) The chief administrator of an agency that has licensees who are in non-compliance shall, within 30 days of receipt of notice of non-compliance, submit a report to the commission explaining the reasons for such non-compliance.

(i) Licensees shall complete the legislatively mandated continuing education in the first complete training unit, as required, or first complete training cycle, as required, after being licensed.

(j) All peace officers must meet all continuing education requirements except where exempt by law.

(k) The effective date of this section is September 1, 2024.

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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Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

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For further information, please call: (512) 936-7700

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 20. TEXAS WORKFORCE COMMISSION

CHAPTER 809. CHILD CARE SERVICES

The Texas Workforce Commission (TWC) adopts amendments to the following sections of Chapter 809, relating to Child Care Services:

Subchapter A. General Provisions, §809.2

Subchapter B. General Management, §§809.18 - 809.21

Subchapter C. Eligibility for Child Care Services, §§809.42, 809.51, and 809.56

Subchapter D. Parent Rights and Responsibilities, §809.73

Subchapter E. Requirements to Provide Child Care, §§809.92 - 809.94, and 809.96

Subchapter G. Texas Rising Star Program, §§809.130 - 809.134, and 809.136

Amended §§809.2, 809.18 - 809.21, 809.42, 809.51, 809.56, 809.73, 809.93 - 809.94, 809.96, 809.130 - 809.134, and 809.136 are adopted without changes to the proposal, as published in the May 17, 2024, issue of the *Texas Register* (49 TexReg 3504), and, therefore, the adopted rule text will not be published.

Section 809.92 is adopted with a technical correction, as published in the May 17, 2024, issue of the *Texas Register* (49 TexReg 3504), and, therefore, the adopted rule text will be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The amendments to Chapter 809:

--include changes to the Texas Rising Star program based on the program's four-year review as required by Texas Government Code §2308.3155(b);

--clarify that the eligibility period for child care during job search is for 12 months, with a three-month job search period;

--include the requirement that the Parent Share of Cost (PSoC) cannot exceed 7 percent of the family income, regardless of the number of children receiving child care services;

--add children with disabilities as a priority population for child care using contracted slots;

--remove rule provisions that expired on December 1, 2023, and remove specific dates for provisions that became effective on December 1, 2023; and

--change "provider reimbursement" to "provider payment" throughout the rules to align with §809.93, which requires that regulated child care providers (which exclude relatives) be paid prospectively rather than through reimbursement.

Texas Rising Star Four-Year Review

Texas Government Code §2308.3155(b) requires a regular review of the Texas Rising Star program with stakeholder input, and §809.130(e) of this chapter requires the review to take place every four years.

Beginning in July 2023, TWC's Child Care and Early Learning (CC&EL) Division convened a workgroup to review the guidelines. The workgroup included child care program directors from around the state; early childhood advocacy organization representatives; professional development providers; Local Workforce Development Board (Board) staff; and representatives from TWC, the Texas Health and Human Services Commission's (HHSC's) Child Care Regulation (CCR) division, the State Center for Early Childhood, and the Children's Learning Institute (CLI). The workgroup presented several recommendations for modifications to the Texas Rising Star guidelines.

The workgroup also recommended rule changes under Subchapter G, Texas Rising Star Program. TWC considered and incorporated the following workgroup recommendations into the rule amendments:

--Include reference to the points thresholds for high and medium-high CCR deficiencies established in the Texas Rising Star guidelines to the requirements for initial Texas Rising Star certification and to the standards for probationary status.

--Allow Texas Rising Star certified providers to retain certification for up to six months if the program undergoes a facility change and is issued an initial permit from CCR.

Additionally, as part of the Texas Rising Star Program review, CC&EL staff identified the following rule provisions for amendments:

--Modify the CCR licensing review period from 12 months to 6 months.

--Clarify that an Entry Level designated provider may receive new referrals if it is determined that the provider's licensing history will meet certification criteria by the end of the 24-month Entry Level period.

--Make a technical correction to clarify that TWC staff, rather than the three-member Commission, reviews and approves Texas Rising Star mentor education waivers.

--Clarify Texas Rising Star staff background checks as they relate to CCR background check requirements.

--Remove PSoC reductions for selecting a Texas Rising Star provider.

12-Month Eligibility Period for Child Care during Job Search

The rule amendments clarify that the eligibility period for child care during job search is for 12 months, with a three-month job search period, as allowed under 45 Code of Federal Regulations (CFR) §98.21(a)(2)(iii). TWC notes that this is not a change in policy. Current rule language in §809.56 of this chapter states

that eligibility for child care during job search is limited to three months unless the parent becomes employed and meets the work requirements before the end of the job search period. If the parent meets work requirements, child care would continue for 12 months, inclusive of the three-month job search period.

The amended rules retain these time frames, but the rule language is amended to clarify that the child care eligibility period is for 12 months provided that the parent meets work requirements within the first three months of child care.

Capping the PSoC at 7 Percent of Family Income

The amended rules include the requirement that the PSoC cannot exceed 7 percent of the family income, regardless of the number of children receiving child care services. The amended language complies with the recently amended Child Care Development Fund (CCDF) regulations in CFR 45 §98.45(l), as published in the *Federal Register* (89 FR 15366 - 15417) on March 1, 2024, with an effective date of April 30, 2024.

Remove Expired Provisions

On September 13, 2022, TWC amended Chapter 809 with certain provisions set to be effective prior to December 1, 2023, and subsequently replaced by provisions set to be effective on December 1, 2023. The provisions effective prior to December 1, 2023, and those set to be effective on December 1, 2023, were adopted and published in the *Texas Register* (47 TexReg 6437). The affected sections are:

- §809.18. Maintenance of a Waiting List
- §809.19. Assessing the Parent Share of Cost
- §809.20. Maximum Provider Payment Rates
- §809.93. Provider Payment

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER A. GENERAL PROVISIONS

TWC adopts the following amendments to Subchapter A:

§809.2. Definitions

Section 809.2 is amended to change "provider reimbursement" to "provider payment" in the definitions of "child care contractor" and "child care subsidies" to align with §809.93, which requires that child care providers be paid prospectively rather than as a reimbursement.

SUBCHAPTER B. GENERAL MANAGEMENT

TWC adopts the following amendments to Subchapter B:

§809.18. Maintenance of a Waiting List

Section 809.18 is amended to remove the provisions that are no longer effective as of December 1, 2023, and leaves the sections that were previously adopted by the Commission with an effective date of December 1, 2023.

Specifically, the rules that became effective December 1, 2023, removed the Board-determined process for determining the child is potentially eligible for services and the frequency in which parent information is updated and maintained. The rules also created a statewide policy to require that Boards contact the parent every three months and remove the child from the waiting list

if the parent indicates that child care services are no longer required or does not respond to the Board regarding the continued need for child care services.

§809.19. Assessing the Parent Share of Cost

Section 809.19 is amended to remove the provisions that are no longer effective as of December 1, 2023, and retains the sections that were previously adopted by the Commission with an effective date of December 1, 2023.

Specifically, the rules that became effective December 1, 2023, stated that the PSoC amount is established by TWC and determined on a sliding fee scale based on the family size and gross monthly income and represented by a percentage of the state median income, or SMI.

The rules effective December 1, 2023, removed the requirement that Board policy include the general criteria for determining affordability of the Board's PSoC, as the PSoC is no longer determined or established by the Board. The rules also removed the requirement that Boards have a definition of what constitutes frequent terminations and its process for assessing PSoC affordability.

Similarly, because the Board no longer determines the PSoC, the rules removed the requirement that Boards with frequent terminations for parent failure to pay the PSoC must reexamine their PSoC and adjust it to ensure the PSoC is not a barrier to assistance.

The rule amendments also remove the option for Boards to reduce the PSoC based on the parent selection of Texas Rising Star program providers. The intent of this reduction was to encourage parents to choose a Texas Rising Star program provider. However, because participation in the Texas Rising Star program is now a requirement for all Child Care Services (CCS) providers, this PSoC reduction is no longer necessary.

Additionally, the rule amendments include the requirement that the PSoC cannot exceed 7 percent of the family income, regardless of the number of children receiving child care services. The amended language complies with the recently amended CCDF regulations in CFR 45 §98.45(l). The US Department of Health and Human Services published the amended regulations in the *Federal Register* (89 FR 15366 - 15417) on March 1, 2024, with an effective date of April 30, 2024.

§809.20. Maximum Provider Reimbursement Rates

Section 809.20 is amended to rename the section "Maximum Provider Payment Rates" and remove "reimbursement" from the title and the section to align with §809.93 of this chapter, which requires that regulated child care providers be paid prospectively rather than as a reimbursement. This change aligns with the recently amended CCDF regulations in 45 CFR 45 §98.45(m), which requires states to pay providers in advance of or at the beginning of the delivery of child care services.

TWC notes that unregulated relative providers will continue to be paid as a reimbursement rather than prospectively. This is in accordance with the CCDF regulation language in 45 CFR 45 §98.45(m), which allows states to exclude certain types of providers from prospective payments if paying in advance is not a generally accepted practice for that provider type. TWC contends that there is no generally accepted practice of parents paying in advance for unregulated relatives caring for children related to them.

This section is also amended to remove the age groups used for payments that are no longer effective as of December 1, 2023, and retains the age groups that were previously adopted by the Commission with an effective date of December 1, 2023.

Specifically, the rules that became effective December 1, 2023, aligned the age groups for payment with the age groups defined by CCR as required by Texas Government Code §2308.315. The new age groups for payment are:

- Infants ages 0 through 11 months
- Infants ages 12 through 17 months
- Toddlers ages 18 through 23 months
- Toddlers age 2 years
- Preschool age 3 years
- Preschool age 4 years
- Preschool age 5 years
- School-age 6 years and older

§809.21. Determining the Amount of the Provider Reimbursement

Section 809.21 is amended to rename the section "Determining the Amount of the Provider Payment" and remove "reimbursement" from the title and the section to align with §809.93 of this chapter, which requires that child care providers be paid prospectively rather than as a reimbursement.

SUBCHAPTER C. ELIGIBILITY FOR CHILD CARE SERVICES

TWC adopts the following amendments to Subchapter C:

§809.42. Eligibility Verification, Determination, and Redetermination

Section 809.42(b) is amended to remove the child care during job search exception for a redetermination no sooner than 12 months. This clarifies that the eligibility period for child care during job search is for 12 months. Boards must not conduct a full eligibility redetermination following the initial 3-month job search period described in §809.56. Boards must only verify that the parent is meeting the work requirements outlined in §809.56(c).

§809.51. Child Care during Temporary Interruptions in Work, Education, or Job Training

Section 809.51(a) is amended to remove the child care during job search exception for a redetermination no sooner than 12 months. This clarifies that the eligibility period for child care during job search is for 12 months. Similarly, the amended language also removes the 12-month redetermination exception during the 12-month eligibility period for children experiencing homelessness. Section 809.52 regarding child care for children experiencing homelessness states that the eligibility period is for 12 months; therefore, the exception for redetermination prior to the end of the 12-month eligibility period is not necessary for children experiencing homelessness.

§809.56. Child Care during Initial Job Search

Section 809.56(c) is amended to clarify that eligibility for child care during initial job search is for 12 months. The 12-month eligibility period consists of an initial 3-month job search period. The previous rule language stated that child care is limited to 3 months but shall continue for the remainder of a 12-month eligibility period if the parent meets work requirements before the end of the 3-month job search period. The amended language shifts

the emphasis of the eligibility period from a 3-month initial period within a 12-month period that is contingent upon work requirements to a full 12-month eligibility period, with a 3-month initial job search period. The continuation of child care for the remainder of the 12-month eligibility period will continue to be contingent upon the parent meeting work requirements in §809.56(c). TWC makes this change to demonstrate compliance more fully with 45 CFR §98.21(a)(2)(iii).

SUBCHAPTER D. PARENT RIGHTS AND RESPONSIBILITIES

TWC adopts the following amendments to Subchapter D:

§809.73. Parent Reporting Requirements

Section 809.73(a) is amended to remove the references to child care during initial job search as a separate eligibility period from the general 12-month eligibility period described in §809.41. This change clarifies that the eligibility period for child care during job search is for 12 months and is aligned with the general 12-month eligibility period for child care services.

SUBCHAPTER E. REQUIREMENTS TO PROVIDE CHILD CARE

TWC adopts the following amendments to Subchapter E:

§809.92. Provider Responsibilities and Reporting Requirements

Section 809.92 is amended to change "reimbursement" to "payment" to align with §809.93, which requires that child care providers be paid prospectively rather than as a reimbursement.

A technical correction to the proposal was made to remove incorrect punctuation.

§809.93. Provider Reimbursement

Section 809.93 is amended to rename the section from "Provider Reimbursement" to "Provider Payment" and remove "reimbursement" from the section to align with the requirement that child care providers be paid prospectively rather than through reimbursement.

Section 809.93 is amended to remove the effective date of December 1, 2023, specific to §809.93(f) relating to the requirement that Boards pay regulated child care providers prospectively every two weeks based on the enrollment authorization.

§809.94. Providers Placed on Corrective or Adverse Action by Child Care Regulation

Section 809.94 is amended to remove "reimbursement" from the language to align with §809.93 requiring providers be paid prospectively rather than through reimbursement.

§809.96. Contracted Slots Agreements

Section 809.96 is amended to add children with disabilities as a priority population that can be served using contracted slots agreements. The amended language complies with the recently amended CCDF regulations in CFR 45 §98.30(b), which requires states to increase the use of grants or contracts for the delivery of child care services, including at a minimum for children in underserved areas (for example, in child care deserts), for infants and toddlers, and for children with disabilities.

TWC's current rules at §809.96(e)(1) already provides for contracted slots in child care deserts and underserved areas, and §809.96(e)(4) provides for contracted slots for infant and toddler child care.

SUBCHAPTER G. TEXAS RISING STAR PROGRAM

TWC adopts the following amendments to Subchapter G:

§809.130. Short Title and Purpose

Section 809.130(d)(4) is amended to state that the Texas Rising Star guidelines include a description of high and medium-high CCR deficiencies points thresholds required in §809.132 relating to CCR deficiencies that impact the certification status of a Texas Rising Star certified provider.

§809.131. Requirements for the Texas Rising Star Program

Section 809.131(a) is amended to clarify that this section applies to a child care provider's initial certification under the Texas Rising Star Program. Specifically, the requirement for a permanent (non-expiring) license or registration is a requirement for initial certification. A Texas Rising Star certified provider's certification will not be affected if the provider changes its operations that requires CCR to issue an initial license or registration such as changes in ownership or location coupled with changes in administrative or program staff and previous noncompliance with minimum standards.

Section 809.131(a)(2) is amended to include a required points threshold for high and medium-high CCR deficiencies for a provider to meet Texas Rising Star certification requirements. TWC makes this change to require initial certification to include a CCR deficiency points threshold similar to the requirement for an Entry Level Designation.

Section 809.131(a)(2) is also amended to reduce the Texas Rising Star review period of CCR licensing deficiencies from 12 months to 6 months. This change will support the review of a child care provider's most recent licensing deficiencies to more accurately describe the current status of quality of care being provided. This change also aligns with the current 6-month CCR deficiency history for probationary and suspension periods.

Section 809.131(b)(2) is amended to clarify the current practice that the points threshold for Entry Level Designation is described in the Texas Rising Star guidelines. Section 809.131(d)(2) is also amended to reduce the licensing deficiency period from 12 months to 6 months.

Section 809.131(e) is amended to clarify that beginning on the 18th month of Entry Level designation, the provider's licensing history will be reviewed and if it is determined that the provider will not be eligible by the end of the 24th month based on the most recent 6-month licensing history, the provider will not be able to receive referrals for new families. TWC has noted instances in which a provider would be eligible for certification following the 18th month but was not allowed to receive new referrals because of the current rule language. This rule change will allow a provider to receive new referrals if it is determined that the provider's licensing history will meet certification criteria by the end of the 24-month Entry Level period.

§809.132. Impacts on Texas Rising Star Certification

Section 809.132(a)(4) is amended to remove references to the number of high or medium-high CCR deficiencies that would place a Texas Rising Star certified provider on suspension status. The amended language states that a certified provider is placed on suspension status if the CCR deficiency points exceed the probationary status points threshold described in the Texas Rising Star guidelines.

Section 809.132(b) is amended to clarify that a provider placed on probation due to a "star level drop" will be reinstated at the provider's previous star level if CCR does not cite any additional

specified star-level drop deficiencies during the probationary period. The previous rule language in §809.132(e) did not specify that the additional deficiencies must be related to the deficiencies that placed the provider on probation due to a star level drop. TWC makes this change to clarify that the additional deficiencies are related to the star level drop probationary deficiencies.

Similarly, §809.132(c) is amended to clarify that providers on probationary status due to specified probationary deficiencies and subsequently placed on a second probationary period that also included a star level drop will be reinstated at the provider's previous star level if CCR does not cite any additional probationary deficiencies during the second probationary period. The previous rule language in §809.132(e) that established this requirement did not specify that the additional deficiencies must be related to the deficiencies that placed the provider on probation.

Section 809.132(d) is amended to remove the total number of high or medium-high deficiencies required to place a certified provider on a probationary period. The amended language adds that certified providers whose total points for high or medium-high deficiencies fall within the points threshold described in the Texas Rising Star guidelines will be placed on a six-month probationary period.

Additionally, as with §809.132(c), §809.132(d) is amended to clarify that providers on a second probationary period that also included a star level drop will be reinstated at the provider's previous star level if CCR does not cite any high or medium-high deficiencies during the second probationary period. The previous rule language in §809.132(e) that established this requirement did not specify that the additional deficiencies must be related to the deficiencies that placed the provider on probation.

Section 809.132(b) through (d) is amended to reduce the licensing deficiency period from 12 months to 6 months.

TWC also makes technical changes in §809.132(c) and (d) to align applicable language in these two subsections.

TWC removes the previous §809.132(e), which stated that providers not on suspension status with a star level drop shall be reinstated at the former star level if no citations in subsections (b) through (d) are cited within six months. As explained previously, this language did not specify which deficiencies would be applicable to reinstating the provider's star level; thus, TWC has amended subsections (b) through (d) to clarify the process for reinstating a star level based on the deficiencies specific to each level of probationary status.

Section 809.132 is also amended to change "reimbursement" to "payment" to align with §809.93, which requires that providers be paid prospectively and not as a reimbursement.

§809.133. Application and Assessments for Texas Rising Star Certification

Section 809.133 is amended to remove subsection (h), which requires Boards to be responsible for the tasks assigned to the Texas Rising Star assessor entity, within their respective local workforce development areas, until the assessor entity is procured and designated by TWC. TWC has designated an assessor entity and this provision is no longer applicable.

§809.134. Minimum Qualifications for Texas Rising Star Staff

Section 809.134(a) is amended to modify the background check requirement for Texas Rising Star staff. The intent of the amended language is to clarify that the background check does not need to be conducted using the same procedures and

criteria used by CCR to conduct background checks for child care providers and caregivers as required by Chapter 745 of the HHSC child care regulations, which requires a Federal Bureau of Investigation fingerprint check. The background checks required under Chapter 745 are designed for caregivers and individuals who have unsupervised contact with children in a child care facility. Texas Rising Star staff do not meet this standard and are not required to undergo this type of background check.

However, TWC continues to emphasize that Texas Rising Star staff should undergo a standard background check as part of the basic requirements for employment. The amended language requires the Board and the TWC's designated Texas Rising Star assessment entity to conduct a background check on each staff member prior to hiring and again every five years.

Section 809.134(d) is amended to clarify that TWC, rather than the three-member Commission, may grant the waiver regarding the minimum education requirements for Texas Rising Star mentors.

§809.136. Roles and Responsibilities of Texas Rising Star Staff

Section 809.136 is amended to remove the requirements for dual-role staff (that is, individuals who perform the functions of a Texas Rising Star mentor and assessor). With the separation of mentors as Board staff and assessors as staff of the designated assessment entity, the system will no longer have individuals performing dual roles, making these requirements unnecessary.

PART III. PUBLIC COMMENTS

The public comment period closed on June 17, 2024.

TWC received comments from Child Development Schools, Early Care & Education Consortium, and KinderCare Learning Companies.

COMMENT: Two commenters expressed their support for shortening the look-back period from 12 to six months and focusing disqualifying deficiencies on the most critical violations.

RESPONSE: The Commission appreciates the comments. No changes were made in response to these comments.

COMMENT: The commenters also addressed items that are typically part of Texas Rising Star guidelines. These topics include:

--Excluding any medium-high violation, especially if it is addressed at the point of infraction, to count towards their Texas Rising Star point total

--Increasing the point total when a CCS agreement is terminated

--Providing a "hold harmless" provision for all CCS agreements until the new rules become effective

--Enhancing and extending communication of Texas Rising Star status and updates

--Promoting closer alignment of Texas Rising Star with national accreditation program standards

RESPONSE: The Commission appreciates the comments. However, these Texas Rising Star topics are not addressed in TWC's Chapter 809 Child Care Services rules and are typically addressed in the Texas Rising Star guidelines. As such, these comments will be addressed during the current revisions of the Texas Rising Star guidelines. No changes were made in response to these comments.

COMMENT: The commenters recommended that TWC create a waiver and appeals process for certified providers when a provider's ability to serve CCS families is in jeopardy.

Two commenters suggested that during the appeals process TWC could establish a pre-probationary period that might allow existing CCS referrals to be maintained, but that a provider would be unable to accept new CCS referrals. This would allow providers time to remedy any issues, ensuring programs with the proper corrective action plans in place can continue to serve all children and avoid disruptions for families.

The two commenters also suggested that TWC create an extended waiver process for certified providers similar to the waiver process for entry-level providers. These waivers could be for lack of mentorship, child care deserts, underserved populations or communities, and for specific licensing considerations or point totals.

One commenter added that it would be beneficial to implement an efficient, real-time appeal and review process before a Texas Rising Star program is determined ineligible.

RESPONSE: Based on feedback from the Texas Rising Star Four-Year Review Workgroup, TWC is modifying the process for reviewing a Texas Rising Star-certified provider's CCR deficiencies from quarterly to real-time updates. TWC and TWC's Centralized Assessment Entity (the Children's Learning Institute) will access CCR's data daily and will immediately flag any certified provider whose deficiencies impact its Texas Rising Star certification status.

Regarding establishing a pre-probationary period, TWC's rule changes reduce the timeline that a child care program's licensing history will be reviewed from 12 months to six months. This change was proposed based on input from child care stakeholders. This proposed change allows a child care program to have its most recent licensing history reviewed and potentially be eligible for Texas Rising Star certification more quickly.

The Texas Rising Star program also allows for graduated impacts for certified programs, following a probationary period. This allows a certified program to remain at its certified star level despite having some CCR deficiencies before its star level is impacted from further noncompliance. If a certified child care program is unable to show continued compliance with CCR, it is ultimately placed in suspension status for up to 15 months. During this suspension status period, a child care program can be eligible for recertification if it can demonstrate six months of CCR licensing compliance.

Through these probationary periods and graduated impacts, TWC intends to allow child care programs the time to demonstrate compliance with CCR minimum standards before being determined ineligible to participate in the Child Care Services program.

Regarding appeals, TWC has an existing process for a provider that disagrees with the assessment score. Additionally, regarding licensing deficiencies, CCR has an appeals process for child care programs. TWC also notes that TWC and CLI do not impose any Texas Rising Star impacts for CCR deficiencies until CCR completes its appeals processes.

No changes were made in response to this comment.

COMMENT: One commenter suggested that staffing turnover at TWC is affecting the Texas Rising Star program. The commenter stated that staff consistency is needed for providing con-

sistent mentoring and guidance and implementing positive program changes.

RESPONSE:

TWC acknowledges the challenges that the current labor market has with staff retention. As with many child care programs that are facing staffing challenges, TWC and Boards also are trying to recruit and retain high-quality Texas Rising Star mentors.

TWC has created a Mentor Microcredential program, which is intended to support high-quality mentoring and coaching. Additionally, mentors are required to participate in Texas Rising Star- specific training, attend monthly mentor meetings, and follow statewide protocols.

No changes were made in response to this comment.

SUBCHAPTER A. GENERAL PROVISIONS

40 TAC §809.2

STATUTORY AUTHORITY

The rule is adopted under:

--Texas Government Code §2308.3155(b), which provides TWC with the specific authority to adopt rules to administer the Texas Rising Star Program;

--Texas Labor Code §301.0015(a)(6) and §302.002(d), which provide TWC with the general authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rule relates to Title 4, Texas Labor Code, Chapter 302, and Title 10, Texas Government Code, Chapter 2308.

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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Les Trobman

General Counsel

Texas Workforce Commission

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Proposal publication date: May 17, 2024

For further information, please call: (512) 850-8356



SUBCHAPTER B. GENERAL MANAGEMENT

40 TAC §§809.18 - 809.21

The rules are adopted under:

--Texas Government Code §2308.3155(b), which provides TWC with the specific authority to adopt rules to administer the Texas Rising Star Program;

--Texas Labor Code §301.0015(a)(6) and §302.002(d), which provide TWC with the general authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules relate to Title 4, Texas Labor Code, Chapter 302, and Title 10, Texas Government Code, Chapter 2308.

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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General Counsel

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SUBCHAPTER C. ELIGIBILITY FOR CHILD CARE SERVICES

40 TAC §§809.42, 809.51, 809.56

The rules are adopted under:

--Texas Government Code §2308.3155(b), which provides TWC with the specific authority to adopt rules to administer the Texas Rising Star Program;

--Texas Labor Code §301.0015(a)(6) and §302.002(d), which provide TWC with the general authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules relate to Title 4, Texas Labor Code, Chapter 302, and Title 10, Texas Government Code, Chapter 2308.

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SUBCHAPTER D. PARENT RIGHTS AND RESPONSIBILITIES

40 TAC §809.73

The rule is adopted under:

--Texas Government Code §2308.3155(b), which provides TWC with the specific authority to adopt rules to administer the Texas Rising Star Program;

--Texas Labor Code §301.0015(a)(6) and §302.002(d), which provide TWC with the general authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rule relates to Title 4, Texas Labor Code, Chapter 302, and Title 10, Texas Government Code, Chapter 2308.

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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Les Trobman

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SUBCHAPTER E. REQUIREMENTS TO PROVIDE CHILD CARE

40 TAC §§809.92 - 809.94, 809.96

The rules are adopted under:

--Texas Government Code §2308.3155(b), which provides TWC with the specific authority to adopt rules to administer the Texas Rising Star Program;

--Texas Labor Code §301.0015(a)(6) and §302.002(d), which provide TWC with the general authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules relate to Title 4, Texas Labor Code, Chapter 302, and Title 10, Texas Government Code, Chapter 2308.

§809.92. *Provider Responsibilities and Reporting Requirements.*

(a) A Board shall ensure that providers are given written notice of and agree to their responsibilities, reporting requirements, and requirements for payment under this subchapter prior to enrolling a child.

(b) Providers shall:

(1) be responsible for collecting the parent share of cost as assessed under §809.19 of this chapter before child care services are delivered;

(2) be responsible for collecting other child care funds received by the parent as described in §809.21 of this chapter;

(3) report to the Board or the Board's child care contractor instances in which the parent fails to pay the parent share of cost; and

(4) follow attendance reporting and tracking procedures required by the Commission under §809.95 of this chapter, the Board, or, if applicable, the Board's child care contractor.

(c) Providers shall not charge more than the Board's payment rate as determined under §809.21 of this chapter to parents:

(1) who are exempt from the parent share of cost assessment under §809.19 of this chapter;

(2) whose parent share of cost is calculated to be zero pursuant to §809.19 of this chapter; or

(3) parents in Child Care during Initial Job Search under §809.56 of this chapter during the initial three-month period.

(d) A Board may develop a policy that allows providers to charge parents more than the assessed parent share of cost in instances

where the provider's published rate exceeds the Board's payment rate (including the assessed parent share of cost) to all parents not included in subsection (c) of this section.

(e) For Boards that allow providers to charge additional amounts pursuant to subsection (d) of this section, the Board must ensure the provider reports to the Board each month:

(1) the specific families that were charged an additional amount above the assessed amount;

(2) the frequency with which each family was charged; and

(3) the amount of each additional charge.

(f) Boards that develop a policy under subsection (d) of this section must:

(1) provide the rationale for the Board's policy to allow providers to charge families additional amounts above the required co-payment, including a demonstration of how the policy promotes affordability and access for families; and

(2) describe the Board's analysis of the interaction between the additional amounts charged to families with the required parent share of cost and the ability of current payment rates to provide access to care without additional fees.

(g) Providers shall not deny a child care referral based on the parent's income status, receipt of public assistance, or the child's protective service status.

(h) Providers shall not charge fees to a parent receiving child care subsidies that are not charged to a parent who is not receiving subsidies.

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 July 9, 2024.

TRD-202403015

Les Trobman

General Counsel

Texas Workforce Commission

Effective date: July 29, 2024

Proposal publication date: May 17, 2024

For further information, please call: (512) 850-8356



SUBCHAPTER G. TEXAS RISING STAR PROGRAM

40 TAC §§809.130 - 809.134, 809.136

The rules are adopted under:

--Texas Government Code §2308.3155(b), which provides TWC with the specific authority to adopt rules to administer the Texas Rising Star Program;

--Texas Labor Code §301.0015(a)(6) and §302.002(d), which provide TWC with the general authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules relate to Title 4, Texas Labor Code, Chapter 302, and Title 10, Texas Government Code, Chapter 2308.

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 July 9, 2024.

TRD-202403016

Les Trobman

General Counsel

Texas Workforce Commission

Effective date: July 29, 2024

Proposal publication date: May 17, 2024

For further information, please call: (512) 850-8356





REVIEW OF AGENCY RULES

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

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

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

Proposed Rule Reviews

Texas Health and Human Services Commission

Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for re adoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 1, Part 15, of the Texas Administrative Code (TAC):

Chapter 360, Medicaid Buy-In Program

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

Comments on the review of Chapter 360, Medicaid Buy-In Program, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to AES_Policy_Coordination@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 360" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 1, Part 15, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202403095

Jessica Miller

Director, Rules Coordination Office

Texas Health and Human Services Commission

Filed: July 12, 2024



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code (TAC) Chapter 11, Contracts.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for re adoption, re adoption with amendments, or repeal every four years. During this review, TCEQ

will assess whether the reasons for initially adopting the rules in Chapter 11 continue to exist.

Comments regarding suggested changes to the rules in Chapter 11 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rule-making action by TCEQ.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 11. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-068-011-AS. Comments must be received by September 3, 2024. For further information, please contact Yolanda G. Davis, Financial Administration Unit, at (512) 239-6888.

TRD-202403136

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 17, 2024



The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code Chapter 12, Payment of Fees.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for re adoption, re adoption with amendments, or repeal every four years. During this review, TCEQ will assess whether the reasons for initially adopting the rules in Chapter 12 continue to exist.

Comments regarding suggested changes to the rules in Chapter 12 may be submitted but will not be considered for rule amendments as part of this review. Any such comments will be considered in a future rule-making action.

Submittal of Comments

TCEQ invites public comment on this preliminary review of the rules in Chapter 12. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submit-

ted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-036-012-AS. Comments must be received by September 3, 2024. For further information, please contact Yolanda Davis, Office of Administrative Services, at (512) 239-6888.

TRD-202403134

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 17, 2024



The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code (TAC) Chapter 14, Grants.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for reoption, reoption with amendments, or repeal every four years. During this review, TCEQ will assess whether the reasons for initially adopting the rules in Chapter 14 continue to exist.

Comments regarding suggested changes to the rules in Chapter 14 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rule-making action by TCEQ.

Submittal of Comments

TCEQ invites public comment on this preliminary review of the rules in Chapter 14. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-071-014-AS. Comments must be received by September 3, 2024. For further information, please contact Yolanda Davis, Office of Administrative Services, at (512) 239-6888.

TRD-202403137

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 17, 2024



The Texas Commission on Environmental Quality (TCEQ) files this Notice of Intention to Review 30 Texas Administrative Code (TAC) Chapter 37, Financial Assurance.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for reoption, reoption with amendments, or repeal every four years. During this review, TCEQ will assess whether the reasons for initially adopting the rules in Chapter 37 continue to exist.

Comments regarding suggested changes to the rules in Chapter 37 may be submitted but will not be considered for rule amendments as part of this review. Any such comments will be considered in a future rule-making action.

Submittal of Comments

TCEQ invites public comment on this preliminary review of the rules in Chapter 37. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-052-037-AS. Comments must be received by September 3, 2024. For further information, please contact Yolanda Davis, Program Project Manager, Financial Administration, at (512) 239-6888.

TRD-202403135

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 17, 2024



Adopted Rule Reviews

Department of Aging and Disability Services

Title 40, Part 1

The Texas Health and Human Services Commission (HHSC), as the successor agency of the Texas Department of Aging and Disability Services, adopts the review of the chapter below in Title 40, Part 1, of the Texas Administrative Code (TAC):

Chapter 6, ICF/ID Programs--Contracting

Notice of the review of this chapter was published in the April 5, 2024, issue of the *Texas Register* (49 TexReg 2205). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 6 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 6. Any amendments, if applicable, to Chapter 6 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 40 TAC Chapter 6 as required by the Texas Government Code §2001.039.

TRD-202403065

Jessica Miller

Director, Rules Coordination Office

Department of Aging and Disability Services

Filed: July 12, 2024



The Texas Health and Human Services Commission (HHSC), as the successor agency of the Texas Department of Aging and Disability Services, adopts the review of the chapter below in Title 40, Part 1, of the Texas Administrative Code:

Chapter 46, Contracting to Provide Assisted Living and Residential Care Services

Notice of the review of this chapter was published in the February 16, 2024, issue of the *Texas Register* (49 TexReg 883). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 46 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to ex-

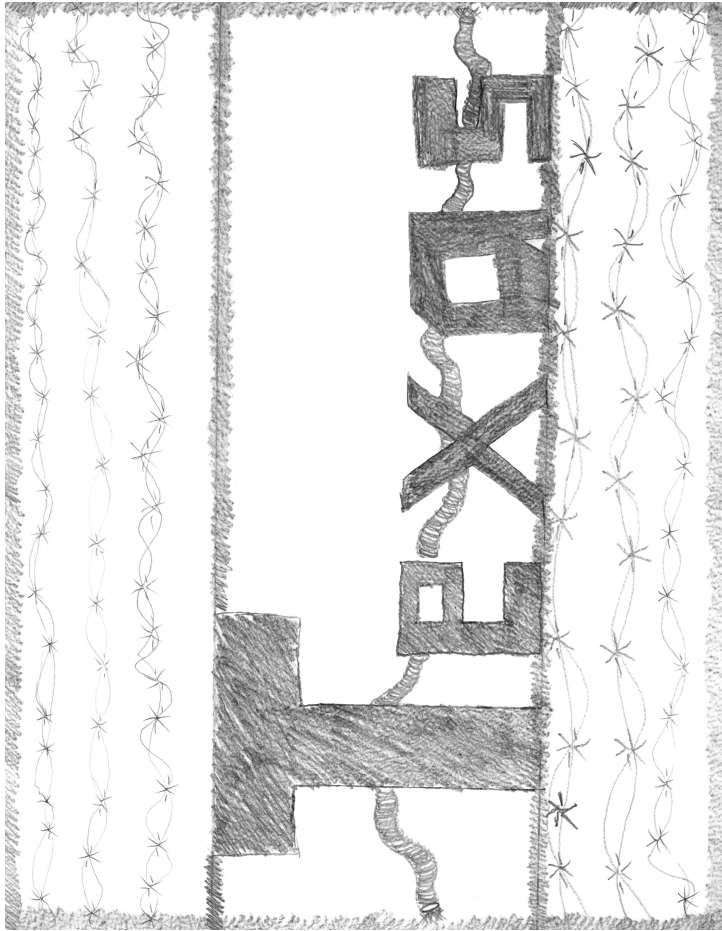
ist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 46. Any amendments, if applicable, to Chapter 46 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 40 TAC Chapter 46 as required by the Texas Government Code §2001.039.

TRD-202403082

Jessica Miller
Director, Rules Coordination Office
Department of Aging and Disability Services
Filed: July 12, 2024





TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 16 TAC §25.510(b)(4)

$$PAF = \frac{\sum \left(\frac{RT \text{ Telemetered HSL} \times \text{Available Flag}}{\text{Obligated Capacity}} \right)}{\text{Total Evaluated Period Intervals}} \times 100.$$

“RT telemetered HSL” is the HSL telemetered by the generation resource in real time. “Available flag” is a binary flag that is equal to the minimum of a current operating plan (COP) available flag and an RT available flag. “COP available flag” is a binary flag that equals one if each hourly check of the generation resource’s COP for the hour that includes the interval in question indicates the generation resource will be available in that interval (i.e., any status other than OUT), with such hourly checks starting at 14:30 on the day before the relevant interval; otherwise, the flag equals zero. “RT available flag” is a binary flag that equals one if the RT telemetered resource status code indicates the generation resource is available (i.e., any status other than OUT); otherwise, the flag equals zero. For a generation resource that provides capacity to an industrial load or private use network (PUN), obligated capacity is equal to the net capacity that is dedicated to ERCOT, as of the commercial operations date. For all other generation resources, obligated capacity is equal to the adjusted seasonal net max sustainable rating (defined as the registered ERCOT Seasonal Net Max Sustainable Rating adjusted for planned derates). “Total evaluated period intervals” is equal to the total number of intervals in the evaluation period, excluding any that occurred during an approved planned outage of the generation resource.

Figure: 16 TAC §25.510(b)(5)

$$POF = \left[1 - \frac{\textit{Total Evaluated Period Intervals}}{\textit{Total Period Intervals}} \right] \times 100.$$

“Total period intervals” is equal to the total number of intervals in the evaluation period. “Total evaluated period intervals” is equal to the total number of intervals in the evaluation period that the generation resource was not in a planned outage.

IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Texas State Affordable Housing Corporation

Draft Bond Program Policies and Request for Proposals Available for Public Comment

The Texas State Affordable Housing Corporation ("Corporation") has posted for public comment amendments to its 2025 Tax-Exempt Bond Program Policies and Request for Proposals. A copy of the proposed amended policies and request for proposals is available on the Corporation's website at: <https://www.tsahc.org/developers/tax-exempt-bonds>.

All public comment or questions about the Draft Policies and RFP may be submitted via email to DevFinance@tsahc.org. The Corporation will include written public comments received before August 6, 2024, in its final recommendations to the Board of Directors at the August 20, 2024, Board Meeting.

Comments will also be accepted by USPS at the offices of the Corporation sent to:

Texas State Affordable Housing Corporation

Attn: Development Finance Programs

6701 Shirley Avenue

Austin, Texas 78752

TRD-202403122

David Long

President

Texas State Affordable Housing Corporation

Filed: July 16, 2024



Public Comment Needed - Draft Texas State Affordable Housing Corporation's Joint Venture Guidelines

The Texas State Affordable Housing Corporation (TSAHC) is publishing for public comment the draft Joint Venture Guidelines. The draft was approved for publication by the Board of Directors at the Board Meeting held on July 16, 2024. A copy of the TSAHC's Joint Venture Guidelines may be found on the Corporation's website at: www.tsahc.org.

All public comment or questions about the Draft Policies and RFP may be submitted via email to actinfo@tsahc.org. The Corporation will include written public comments received before August 6th, 2024, in its final recommendations to the Board of Directors at the August Board Meeting.

TRD-202403123

David Long

President

Texas State Affordable Housing Corporation

Filed: July 16, 2024



Capital Area Rural Transportation System

CARTS Smithville Station Renovations

Capital Area Rural Transportation System (CARTS) invites qualified General Contractors to submit proposals for the Renovations of the CARTS's Smithville Station in Smithville, Texas.

RFP and Construction Documents will be available on the CARTS Website beginning at 2:00 p.m., Tuesday, August 13, 2024, Go to : <https://www.ridecarts.com/procurement/>, select the **Smithville Station** link and follow the instructions.

An on-site pre-proposal conference (not mandatory but recommended) will be held at 10:00 a.m., Tuesday, August 20, 2024, at 300 NE Loop 230, Smithville, Texas.

The schedule is:

Tuesday, August 13 - 2:00 p.m. - RFP Documents available for download

Tuesday, August 20 - 10:00 a.m. - On-site pre-proposal conference

Tuesday, August 27 - 5:00 p.m. - Deadline for proposal questions

Tuesday, September 3 - 5:00 p.m. - Responses to questions posted on website

Tuesday, September 10 - 2:00 p.m. - Proposals due at CARTS

Proposals will be evaluated on cost, qualifications, experience, the quality and content of the submittal.

TRD-202403108

David L. Marsh

General Manager

Capital Area Rural Transportation System

Filed: July 15, 2024



Comptroller of Public Accounts

Notice of General Meeting of the Multistate Tax Commission

Pursuant to Texas Tax Code §141.003, the comptroller provides notice of the general meeting of the Multistate Tax Commission.

The annual meeting of the commission will be held in person and virtually at 8:30 a.m., Wednesday, July 31, 2024.

The in-person meeting will be held at the Sonesta Denver Downtown, 1450 Glenarm Place, Denver, Colorado 80202. Registration information for the Annual Meeting may be found at: <https://www.mtc.gov/events-training/57th-annual-meetings/>

For questions, please contact Shannon Brandt, Tax Policy Counsel, at shannon.brandt@cpa.texas.gov

This agency hereby certifies that legal counsel has reviewed this notice and found it to be within the agency's authority to publish.

TRD-202403081

Jenny Burleson

Director, Tax Policy

Comptroller of Public Accounts

Filed: July 12, 2024

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Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, §303.009, and §304.003 Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/22/24 - 07/28/24 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/22/24 - 07/28/24 is 18.00% for commercial² credit.

The postjudgment interest rate as prescribed by §304.003 for the period of 08/01/24 - 08/31/24 is 8.50%.

¹ Credit for personal, family, or household use.

² Credit for business, commercial, investment, or other similar purpose.

TRD-202403131

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: July 17, 2024

◆ ◆ ◆

Credit Union Department

Application to Amend Articles of Incorporation

Notice is given that the following application has been filed with the Credit Union Department (Department) and is under consideration.

An application for a change to its principal place of business was received from Gulf Credit Union, Groves, Texas. The credit union is proposing to change its domicile to 2779 A. Aero Drive, Port Arthur, Texas 77640.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days from the date of this publication. Any written comments must provide all information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-202403130

Michael S. Riepen

Commissioner

Credit Union Department

Filed: July 17, 2024

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Application to Expand Field of Membership

Notice is given that the following applications have been filed with the Credit Union Department (Department) and are under consideration.

An application was received from Unity One Credit Union #1, Fort Worth, Texas, to expand its field of membership. The proposal would permit persons who live, work, worship, or attend school in and businesses and other legal entities located in Dallas County, Texas, to be eligible for membership in the credit union.

An application was received from Unity One Credit Union #2, Fort Worth, Texas, to expand its field of membership. The proposal would

permit persons who live, work, worship, or attend school in and businesses and other legal entities located in Denton County, Texas, to be eligible for membership in the credit union.

An application was received from Unity One Credit Union #3, Fort Worth, Texas, to expand its field of membership. The proposal would permit persons who live, work, worship, or attend school in and businesses and other legal entities located in Johnson County, Texas, to be eligible for membership in the credit union.

An application was received from Unity One Credit Union #4, Fort Worth, Texas, to expand its field of membership. The proposal would permit persons who live, work, worship, or attend school in and businesses and other legal entities located in Parker County, Texas, to be eligible for membership in the credit union.

An application was received from Unity One Credit Union #5, Fort Worth, Texas, to expand its field of membership. The proposal would permit persons who live, work, worship, or attend school in and businesses and other legal entities located in Tarrant County, Texas, to be eligible for membership in the credit union.

An application was received from Unity One Credit Union #6, Fort Worth, Texas, to expand its field of membership. The proposal would permit persons who live, work, worship, or attend school in and businesses and other legal entities located in Wise County, Texas, to be eligible for membership in the credit union.

An application was received from Angelina Federal Credit Union #1, Lufkin, Texas, to expand its field of membership. The proposal would permit persons who live, work, worship, or attend school in and businesses located in Cherokee County, Texas, to be eligible for membership in the credit union.

An application was received from Angelina Federal Credit Union #2, Lufkin, Texas, to expand its field of membership. The proposal would permit persons who live, work, worship, or attend school in and businesses located in Angelina County, Texas, to be eligible for membership in the credit union.

An application was received from Angelina Federal Credit Union #3, Lufkin, Texas, to expand its field of membership. The proposal would permit persons who live, work, worship, or attend school in and businesses located in Tyler County, Texas, to be eligible for membership in the credit union.

An application was received from Angelina Federal Credit Union #4, Lufkin, Texas, to expand its field of membership. The proposal would permit persons who live, work, worship, or attend school in and businesses located in Trinity County, Texas, to be eligible for membership in the credit union.

An application was received from Angelina Federal Credit Union #5, Lufkin, Texas, to expand its field of membership. The proposal would permit persons who live, work, worship, or attend school in and businesses located in San Augustine County, Texas, to be eligible for membership in the credit union.

An application was received from Angelina Federal Credit Union #6, Lufkin, Texas, to expand its field of membership. The proposal would permit persons who live, work, worship, or attend school in and businesses located in Nacogdoches County, Texas, to be eligible for membership in the credit union.

An application was received from Angelina Federal Credit Union #7, Lufkin, Texas, to expand its field of membership. The proposal would permit persons who live, work, worship, or attend school in and businesses located in Jasper County, Texas, to be eligible for membership in the credit union.

An application was received from Angelina Federal Credit Union #8, Lufkin, Texas, to expand its field of membership. The proposal would permit persons who live, work, worship, or attend school in and businesses located in Houston County, Texas, to be eligible for membership in the credit union.

An application was received from Angelina Federal Credit Union #9, Lufkin, Texas, to expand its field of membership. The proposal would permit persons who live, work, worship, or attend school in and businesses located in Polk County, Texas, to be eligible for membership in the credit union.

An application was received from MCT Credit Union #1, Port Neches, Texas, to expand its field of membership. The proposal would permit persons who live, work, or are located in Chambers County, Texas, to be eligible for membership in the credit union.

An application was received from MCT Credit Union #2, Port Neches, Texas, to expand its field of membership. The proposal would permit persons who live, work, or are located in Liberty County, Texas, to be eligible for membership in the credit union.

An application was received from MCT Credit Union #3, Port Neches, Texas, to expand its field of membership. The proposal would permit persons who live, work, or are located in Tyler County, Texas, to be eligible for membership in the credit union.

An application was received from MCT Credit Union #4, Port Neches, Texas, to expand its field of membership. The proposal would permit persons who live, work, or are located in Polk County, Texas, to be eligible for membership in the credit union.

An application was received from MCT Credit Union #5, Port Neches, Texas, to expand its field of membership. The proposal would permit persons who live, work, or are located in Newton County, Texas, to be eligible for membership in the credit union.

An application was received from MCT Credit Union #6, Port Neches, Texas, to expand its field of membership. The proposal would permit persons who live, work, or are located in Galveston County, Texas, to be eligible for membership in the credit union.

An application was received from MCT Credit Union #7, Port Neches, Texas, to expand its field of membership. The proposal would permit persons who live, work, or are located in Jasper County, Texas, to be eligible for membership in the credit union.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days from the date of this publication. Credit unions that wish to comment on any application must also complete a Notice of Protest form. The form may be obtained by contacting the Department at (512) 837-9236 or downloading the form at <http://www.cud.texas.gov/page/bylaw-charter-applications>. Any written comments must provide all the information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-202403128
Michael S. Riepen
Commissioner
Credit Union Department
Filed: July 17, 2024



Notice of Final Action Taken

In accordance with the provisions of 7 TAC §91.103, the Credit Union Department provides notice of the final action taken on the following applications:

Field of Membership - Approved

Members Choice CU #1 (Houston) - See *Texas Register* dated April 26, 2024.

Members Choice CU #2 (Houston) - See *Texas Register* dated April 26, 2024.

TRD-202403127
Michael S. Riepen
Commissioner
Credit Union Department
Filed: July 17, 2024



Texas Education Agency

Request for Applications Concerning the 2024-2025 Charter School Program Grant (Subchapters C and D, Cycle 2)

Filing Authority. The availability of grant funds under Request for Applications (RFA) #701-24-128 is authorized by Public Law 114-95, Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, Title IV, Part C, Expanding Opportunity Through Quality Charter Schools; Texas Education Code, Chapter 12; and 19 Texas Administrative Code, Chapter 100, Subchapter AA.

Eligible Applicants. Texas Education Agency (TEA) is requesting applications under RFA #701-24-128 from eligible applicants, which include open-enrollment charter schools that meet the federal definition of a charter school, have never received funds under this grant program, and are one of the following. (1) An open-enrollment charter school campus designated by the commissioner of education, for the 2023-2024, 2024-2025, or 2025-2026 school year, as a high-quality campus pursuant to 19 TAC §100.1033(b)(9) and (13). (2) Open-enrollment charter schools submitting an expansion amendment request and corresponding application for high-quality campus designation for the 2024-2025 or 2025-2026 school year by September 9, 2024, are considered eligible to apply for the grant. However, the commissioner must approve the expansion amendment request and designate the campus as a high-quality campus prior to the charter receiving grant funding, if awarded. (3) An open-enrollment charter school authorized by the commissioner of education under the Generation 28 charter application pursuant to TEC, Chapter 12, Subchapter D, that has never received funds under this grant program. (4) A campus charter school authorized by the local board of trustees pursuant to TEC, Chapter 12, Subchapter C, on or before August 30, 2024, as a new charter school, or as a charter school that is designed to replicate a new charter school campus, based on the educational model of an existing high-quality charter school, and that submits all required documentation as stated in this RFA. A campus charter school must apply through its public school district, and the application must be signed by the district's superintendent or the appropriate designee.

Important: Any charter school that does not open prior to Wednesday, September 3, 2025, after having been awarded grant funds, may be required to forfeit any remaining grant funds and may be required to reimburse any expended amounts to TEA.

Description. The purpose of the Texas Quality Charter Schools Program Grant is to support the growth of high-quality charter schools in Texas, especially those focused on improving academic outcomes for educationally disadvantaged students. This will be achieved through administering the 2024-2025 Charter School Program Grant (Subchap-

ters C and D, Cycle 2) to assist eligible applicants in opening and preparing for the operation of newly-authorized charter schools and replicated high-quality schools.

Dates of Project. The 2024-2025 Charter School Program Grant (Subchapters C and D, Cycle 2) will be implemented during the 2024-2025 and 2025-2026 school years. Applicants should plan for a starting date of no earlier than November 1, 2024, and an ending date of no later than September 30, 2025.

Project Amount. Approximately \$13,597,321 is available for funding the 2024-2025 Charter School Program Grant (Subchapters C and D, Cycle 2). It is anticipated that approximately 15 grants will be awarded up to \$900,000. This project is funded 100% with federal funds.

Selection Criteria. Applications will be selected based on the ability of each applicant to carry out all requirements contained in the RFA. Reviewers will evaluate applications based on the overall quality and validity of the proposed grant programs and the extent to which the applications address the primary objectives and intent of the project. Applications must address each requirement as specified in the RFA to be considered for funding. TEA reserves the right to select from the highest-ranking applications those that address all requirements in the RFA.

TEA is not obligated to approve an application, provide funds, or endorse any application submitted in response to this RFA. This RFA does not commit TEA to pay any costs before an application is approved. The issuance of this RFA does not obligate TEA to award a grant or pay any costs incurred in preparing a response.

Applicants' Conference. A webinar will be held on Tuesday, August 6, 2024, from 3:00 p.m. to 4:30 p.m. Register for the webinar at https://zoom.us/join/zoom/register/tJlqf-spjMrG9XkLZ_arup3RK-COcQZcRbJf. Questions relevant to the RFA may be emailed to Charlotte Nicklebur at CharterSchools@tea.texas.gov prior to 12:00 p.m. (noon) CST on Monday, August 5, 2024. These questions, along with other information, will be addressed during the webinar. The applicants' conference webinar will be open to all potential applicants and will provide general and clarifying information about the grant program and the RFA.

Requesting the Application. The complete RFA will be posted on the TEA Grant Opportunities web page at <https://tea4avalonzo.tea.state.tx.us/GrantOpportunities/forms/GrantProgramSearch.aspx> for viewing and downloading. In the "Search Options" box, select the name of the RFA from the drop-down list. Scroll down to the "Application and Support Information" section to view and download all documents that pertain to this RFA.

Further Information. In order to make sure that no prospective applicant obtains a competitive advantage because of acquisition of information unknown to other prospective applicants, any and all questions must be submitted in writing to CharterSchools@tea.texas.gov, the TEA email address identified in the Program Guidelines of the RFA, no later than 12:00 p.m. (noon) CST on August 20, 2024. All questions and the written answers thereto will be posted on the TEA Grant Opportunities web page in the format of Frequently Asked Questions (FAQs) by August 26, 2024.

Deadline for Receipt of Applications. Applications must be submitted to competitivegrants@tea.texas.gov. Applications must be received no later than 11:59 p.m. CST, September 9, 2024, to be considered eligible for funding.

Issued in Austin, Texas, on July 17, 2024.

TRD-202403132

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: July 17, 2024

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **August 26, 2024**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on **August 26, 2024**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: 4 T ENTERPRISES LLC; DOCKET NUMBER: 2024-1003-WQ-E; IDENTIFIER: RN109726992; LOCATION: Hallsville, Harrison County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain authorization to discharge stormwater associated with construction activities; PENALTY: \$875; ENFORCEMENT COORDINATOR: Megan Crinklaw, (512) 239-1129; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(2) COMPANY: AL-KARIMI, LLC; DOCKET NUMBER: 2022-0503-PST-E; IDENTIFIER: RN102658564; LOCATION: Gunter, Grayson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases in a manner which will detect a release at a frequency of at least once every 30 days; PENALTY: \$5,257; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-2682; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2022-1071-PWS-E; IDENTIFIER: RN102690112; LOCATION: Conroe, Montgomery County; TYPE OF FACILITY: public water

supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(C)(ii) and Texas Health and Safety Code, §341.0315(c), by failing to provide a total storage capacity of 200 gallons per connection; PENALTY: \$357; ENFORCEMENT COORDINATOR: Christiana McCrimmon, (512) 239-2811; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(4) COMPANY: Aqua Texas, Incorporated; DOCKET NUMBER: 2023-1576-PWS-E; IDENTIFIER: RN101521565; LOCATION: Wimberley, Hays County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.44(h)(4), by failing to have all backflow prevention assemblies tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications; and 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids; PENALTY: \$1,800; ENFORCEMENT COORDINATOR: Hannah Shakir, (512) 239-1142; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(5) COMPANY: Aqua Utilities, Incorporated; DOCKET NUMBER: 2023-1669-PWS-E; IDENTIFIER: RN102690922; LOCATION: Justin, Denton County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(d)(2)(A) and §290.110(b)(4) and Texas Health and Safety Code, §341.0315(c), by failing to maintain a disinfectant residual of at least 0.2 milligrams per liter of free chlorine throughout the distribution system at all times; PENALTY: \$1,125; ENFORCEMENT COORDINATOR: Margaux Ordoveza, (512) 239-1128; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(6) COMPANY: ARCOSA LWS, LLC; DOCKET NUMBER: 2022-0625-AIR-E; IDENTIFIER: RN100211283; LOCATION: Streetman, Navarro County; TYPE OF FACILITY: expanded shale and clay lightweight aggregate plant; RULES VIOLATED: 30 TAC §116.115(c) and §122.143(4), New Source Review (NSR) Permit Numbers 3025A and 49047, Special Conditions (SC) Numbers 4, 5, 10.D., and 18.D., Federal Operating Permit (FOP) Number O1117, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 10, and Texas Health and Safety Code (THSC), §382.085(b), by failing to maintain records for the quarterly visible emissions observations conducted downwind of the property line; 30 TAC §116.115(c) and §122.143(4), NSR Permit Number 49047, SC Numbers 4.B.(1) and 18.D., FOP Number O1117, GTC and STC Number 10, and THSC, §382.085(b), by failing to conduct quarterly visible emissions observations; 30 TAC §122.143(4) and §122.145(2)(A), FOP Number O1117, GTC, and THSC, §382.085(b), by failing to report all instances of deviations; and 30 TAC §122.143(4) and §122.145(2)(B) and (C), FOP Number O1117, GTC, and THSC, §382.085(b), by failing to submit a deviation report for at least each six-month period after permit issuance, and failing to submit the deviation report no later than 30 days after the end of each reporting period; PENALTY: \$36,491; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$18,425; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(7) COMPANY: ARGUIJO CORPORATION; DOCKET NUMBER: 2023-0825-AIR-E; IDENTIFIER: RN100604990; LOCATION: Odessa, Ector County; TYPE OF FACILITY: oil and gas production and field maintenance site; RULES VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$2,500; ENFORCEMENT

COORDINATOR: Danielle Porras, (713) 737-3682; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(8) COMPANY: AUS-TEX SANDBLASTING and COATINGS, INCORPORATED; DOCKET NUMBER: 2023-1519-AIR-E; IDENTIFIER: RN111740411; LOCATION: Del Valle, Travis County; TYPE OF FACILITY: business that conducted outside blast cleaning and outdoor surface coating operations; RULES VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Michael Wilkins, (325) 698-6134; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(9) COMPANY: Boaz Energy II Operating, LLC; DOCKET NUMBER: 2023-1719-AIR-E; IDENTIFIER: RN102198959; LOCATION: Levelland, Hockley County; TYPE OF FACILITY: sour oil and gas production facility; RULES VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$2,000; ENFORCEMENT COORDINATOR: Matthew Perez, (325) 659-6707; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(10) COMPANY: Caney Creek Municipal Utility District of Matagorda County; DOCKET NUMBER: 2023-1714-PWS-E; IDENTIFIER: RN101384717; LOCATION: Sargent, Matagorda County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(l), by failing to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference; and 30 TAC §290.45(b)(1)(D)(iv) and Texas Health and Safety Code, §341.0315(c), by failing to provide an elevated storage capacity of 100 gallons per connection; PENALTY: \$2,243; ENFORCEMENT COORDINATOR: Mason DeMasi, (210) 657-8425; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(11) COMPANY: City of Alice; DOCKET NUMBER: 2022-0575-AIR-E; IDENTIFIER: RN102558848; LOCATION: Alice, Jim Wells County; TYPE OF FACILITY: air curtain incinerator; RULES VIOLATED: 30 TAC §122.143(4) and §122.146(1) and (2), Federal Operating Permit Number O4137/General Operating Permit Number 518, Terms and Conditions (b)(3)(D), and Texas Health and Safety Code, §382.085(b), by failing to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance and failed to submit a permit compliance certification within 30 days of any certification period; PENALTY: \$5,250; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(12) COMPANY: City of Wolfe City; DOCKET NUMBER: 2023-1630-PWS-E; IDENTIFIER: RN101387579; LOCATION: Wolfe City, Hunt County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.110(e)(4)(A) and (f)(3), by failing to submit a Disinfection Level Quarterly Operating Report to the executive director (ED) by the tenth day of the month following the end of each quarter for the second quarter of 2023; 30 TAC §290.117(c)(2)(A), (h), and (i)(1), by failing to collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to the ED for the January 1, 2023 - June 30, 2023, monitoring period; 30 TAC §290.117(c)(2)(B), (h), and (i)(1), by failing to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the ED for the January 1, 2022 - December 31,

2022, monitoring period; 30 TAC §290.117(c)(2)(C), (h), and (i)(1), and §290.122(c)(2)(A) and (f), by failing to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the ED for the January 1, 2019 - December 31, 2021, monitoring period, and failing to provide public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to collect lead and copper tap samples for the January 1, 2019 - December 31, 2021, monitoring period; 30 TAC §290.117(e)(2), (h), and (i)(3), by failing to conduct water quality parameter sampling at each of the facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the ED for the January 1, 2023 - June 30, 2023, monitoring period; and 30 TAC §290.117(i)(6) and (j), by failing to provide a consumer notification of lead tap water monitoring results to persons served at the sites that were tested, and failing to mail a copy of the consumer notification of tap results to the ED along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2016 - December 31, 2018, monitoring period; PENALTY: \$3,927; ENFORCEMENT COORDINATOR: Mason DeMasi, (210) 657-8425; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(13) COMPANY: COMMONSPIRIT HEALTH; DOCKET NUMBER: 2024-0451-PST-E; IDENTIFIER: RN101820967; LOCATION: Lufkin, Angelina County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §334.50(b)(1)(A), by failing to monitor underground storage tanks for releases at least once every 30 days; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 430-6057; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(14) COMPANY: Continental Resources, Incorporated; DOCKET NUMBER: 2024-0792-AIR-E; IDENTIFIER: RN110831534; LOCATION: Pyote, Ward County; TYPE OF FACILITY: tank battery; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; 30 TAC §101.201(c) and THSC, §382.085(b), by failing to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event; and 30 TAC §116.115(c), §116.615(2), Standard Permit Registration Number 172789, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$5,951; ENFORCEMENT COORDINATOR: Krystina Sepulveda, (956) 430-6045; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(15) COMPANY: CSB CONTRACTORS INCORPORATED; DOCKET NUMBER: 2024-1113-WQ-E; IDENTIFIER: RN111946786; LOCATION: Longview, Gregg County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain authorization to discharge stormwater associated with construction activities; PENALTY: \$875; ENFORCEMENT COORDINATOR: Megan Crinklaw, (512) 239-1129; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(16) COMPANY: CSWR-Texas Utility Operating Company, LLC; DOCKET NUMBER: 2023-1270-PWS-E; IDENTIFIER: RN101182830; LOCATION: Burnet, Burnet County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.41(c)(3)(C), by failing to seal the space between the casing and drill hole by using enough cement under pressure to completely fill and seal the annular space between the well casing and the drill hole for Well Number 6; 30 TAC §290.41(c)(3)(L), by failing to provide a well blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters; 30 TAC

§290.45(b)(1)(C)(i) and Texas Health and Safety Code, §341.0315(c), by failing to provide a well capacity of 0.6 gallons per minute per connection; 30 TAC §290.46(j), by failing to complete a Customer Service Inspection certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe a cross-connection or other potential contamination hazard exists; PENALTY: \$7,100; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(17) COMPANY: CSWR-Texas Utility Operating Company, LLC; DOCKET NUMBER: 2023-1651-PWS-E; IDENTIFIER: RN101248391; LOCATION: Palacios, Jackson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(d)(2)(A) and §290.110(b)(4) and Texas Health and Safety Code, §341.0315(c), by failing to maintain a disinfectant residual of at least 0.2 milligrams per liter of free chlorine throughout the distribution system; and 30 TAC §290.46(q)(1), by failing to issue a boil water notice to customers of the facility within 24 hours of a low disinfectant residual; PENALTY: \$2,250; ENFORCEMENT COORDINATOR: Christiana McCrimmon, (512) 239-2811; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(18) COMPANY: Danny Garcia; DOCKET NUMBER: 2024-0025-OSI-E; IDENTIFIER: RN103437026; LOCATION: Beeville, Live Oak County; TYPE OF FACILITY: on-site sewage facility (OSSF); RULES VIOLATED: 30 TAC §285.61(4) and Texas Health and Safety Code, §366.051(c), by failing to obtain documentation that the owner, or owner's agent, has authorization to construct prior to constructing, altering, or extending an OSSF; PENALTY: \$505; ENFORCEMENT COORDINATOR: Nancy M. Sims, (512) 239-5053; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(19) COMPANY: DENTON SAND FARM, LLC; DOCKET NUMBER: 2024-0569-WQ-E; IDENTIFIER: RN111886511; LOCATION: Aubrey, Denton County; TYPE OF FACILITY: aggregate production operation (APO); RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with industrial activities; and 30 TAC §342.25(b), by failing to register the facility as an APO no later than the tenth day business day before the beginning date of regulated activities; PENALTY: \$10,000; ENFORCEMENT COORDINATOR: Madison Stringer, (512) 239-1126; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(20) COMPANY: DOREX, INCORPORATED; DOCKET NUMBER: 2024-0566-MSW-E; IDENTIFIER: RN111525598; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) disposal site; RULE VIOLATED: 30 TAC §330.15(a) and (c), by failing to not cause, suffer, allow, or permit the unauthorized disposal of MSW; PENALTY: \$15,000; ENFORCEMENT COORDINATOR: Tiffany Chu, (817) 588-5891; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(21) COMPANY: Eagle Creek Storage, LLC; DOCKET NUMBER: 2023-0735-WR-E; IDENTIFIER: RN111723540; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: storage facility; RULES VIOLATED: 30 TAC §297.11 and TWC, §11.081 and §11.121, by failing to obtain authorization prior to diverting, impounding, storing, taking, or using state water; PENALTY: \$2,000; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(22) COMPANY: Envirotein, LLC; DOCKET NUMBER: 2023-1553-AIR-E; IDENTIFIER: RN111104493; LOCATION: Dallas, Dallas

County; TYPE OF FACILITY: pet food ingredient manufacturing plant; RULES VIOLATED: 30 TAC §101.4 and Texas Health and Safety Code, §382.085(a) and (b), by failing to prevent nuisance odor conditions; PENALTY: \$5,313; ENFORCEMENT COORDINATOR: Matthew Perez, (325) 659-6707; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(23) COMPANY: ETC Texas Pipeline, Ltd.; DOCKET NUMBER: 2021-1645-AIR-E; IDENTIFIER: RN107716664; LOCATION: Crockett, Houston County; TYPE OF FACILITY: natural gas processing plant; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) and §122.143(4), Federal Operating Permit (FOP) Number O3840/General Operating Permit (GOP) Number 514, Terms and Conditions Numbers (b)(2) and (40)(F), and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; 30 TAC §101.201(c) and §122.143(4), FOP Number O3840/GOP Number 514, Terms and Conditions Numbers (b)(2) and (40)(F), and THSC, §382.085(b), by failing to submit a final record for a reportable emissions event no later than two weeks after the end of the emissions event; and 30 TAC §§116.115(c), 116.615(2), and 122.143(4), Standard Permit Registration Number 123434, FOP Number O3840/GOP Number 514, Terms and Conditions Numbers (b)(2) and (9)(E)(ii), and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$141,550; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$56,620; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(24) COMPANY: FISHTEL INVESTMENT INCORPORATED; DOCKET NUMBER: 2024-0611-PST-E; IDENTIFIER: RN101547990; LOCATION: Flower Mound, Denton County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §334.50(d)(1)(B), by failing to implement inventory control methods for the underground storage tank system; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Danielle Fishbeck, (512) 239-1583; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(25) COMPANY: Flint Hills Resources Corpus Christi, LLC; DOCKET NUMBER: 2022-1543-AIR-E; IDENTIFIER: RN102534138; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: 30 TAC §§101.20(1), (2), and (3), 113.780, 116.115(c), and 122.143(4), 40 Code of Federal Regulations §§60.102a(f)(1), 60.103(a), 63.1565(a)(1)(i), and 63.1568(a)(1)(i), New Source Review (NSR) Permit Numbers 6308 and PSDTX137M2, Special Conditions (SC) Number 7, Federal Operating Permit (FOP) Number O1445, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Numbers 1.A., 1.E., and 25, and Texas Health and Safety Code (THSC), §382.085(b), by failing to comply with the concentration limit; 30 TAC §§101.20(3), 116.115(c), and 122.143(4), NSR Permit Numbers 6308 and PSDTX137M2, General Conditions Number 11 and SC Number 48.B., FOP Number O1445, GTC and STC Numbers 1.A., 27, and 31.A., and THSC, §382.085(b), by failing to route the tank vents to a control device or controlled recovery system when the tank is being filled, if the volatile organic compounds partial pressure of the liquid is greater than 0.5 pounds per square inch at 95 degrees Fahrenheit; and 30 TAC §122.143(4) and §122.145(2)(A), FOP Number O1445, GTC, and THSC, §382.085(b), by failing to report all instances of deviations; PENALTY: \$60,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$30,250; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(26) COMPANY: Frederic M. Moseley, Sr. dba Countryside RV Resort and Melanie Moseley dba Countryside RV Resort; DOCKET NUMBER: 2022-1550-PWS-E; IDENTIFIER: RN111152138; LOCATION: Justin, Denton County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(h)(3) and (j)(1)(A) and Texas Health and Safety Code, §341.0351, by failing to notify the Executive Director in writing as to the completion of a water works project and attest to the fact that the completed work is substantially in accordance with the plans and specifications on file with the commission; 30 TAC §290.41(c)(3)(A), by failing to submit well completion data for review and approval prior to placing the facility's public drinking water well into service; and 30 TAC §290.42(b)(1) and (e)(3), by failing to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection; PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Claudia Bartley, (512) 239-1116; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(27) COMPANY: FUEL PLUS - 2 LLC; DOCKET NUMBER: 2023-1686-PST-E; IDENTIFIER: RN102251493; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.8(c)(4)(A)(vii) and (5)(B)(ii), by failing to renew a previously issued underground storage tank (UST) delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date; and 30 TAC §334.8(c)(5)(A)(i) and TWC, §26.3467(a), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting a delivery of a regulated substance into the USTs; PENALTY: \$4,958; ENFORCEMENT COORDINATOR: Amy Lane, (512) 239-2614; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(28) COMPANY: GUETA, ROCKY E; DOCKET NUMBER: 2024-1014-WOC-E; IDENTIFIER: RN103253993; LOCATION: Pearland, Brazoria County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$175; ENFORCEMENT COORDINATOR: Margaux Ordoveza, (512) 239-1128; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(29) COMPANY: IMAN MARKETING INCORPORATED; DOCKET NUMBER: 2024-0814-PST-E; IDENTIFIER: RN101832764; LOCATION: Fairchild, Fort Bend County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §334.50(a)(1)(A), by failing to provide release detection for the underground storage tank system; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Danielle Fishbeck, (512) 239-5083; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(30) COMPANY: INEOS Calabrian Corporation; DOCKET NUMBER: 2023-0811-AIR-E; IDENTIFIER: RN101645018; LOCATION: Port Neches, Jefferson County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$2,450; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(31) COMPANY: Jack Neely dba Heights Water; DOCKET NUMBER: 2023-1695-PWS-E; IDENTIFIER: RN102676129; LOCATION: Tyler, Smith County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.110(e)(4)(A) and (f)(3), by failing to submit a Disinfection Level Quarterly Operating Report to the Executive Director by the tenth day of the month following the end of each quarter for the second quarter of 2023; and 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c),

by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$1,984; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(32) COMPANY: Kasparian Underground, LLC; DOCKET NUMBER: 2023-1354-WQ-E; IDENTIFIER: RN104088620; LOCATION: Waco, McLennan County; TYPE OF FACILITY: aggregate production operation (APO); RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to maintain authorization to discharge stormwater associated with industrial activities; and 30 TAC §342.25(d), by failing to renew the APO registration annually as regulated activities continued; PENALTY: \$25,075; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(33) COMPANY: Kasparian Underground, LLC; DOCKET NUMBER: 2023-1356-WQ-E; IDENTIFIER: RN107949349; LOCATION: Waco, McLennan County; TYPE OF FACILITY: aggregate production operation (APO); RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to maintain authorization to discharge stormwater associated with industrial activities; and 30 TAC §342.25(d), by failing to renew the APO registration annually as regulated activities continued; PENALTY: \$25,075; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(34) COMPANY: LNT CAPITAL LLC and T and L Capital Investments, LLC; DOCKET NUMBER: 2023-1623-PST-E; IDENTIFIER: RN101446680; LOCATION: San Angelo, Tom Green County; TYPE OF FACILITY: temporarily out-of-service underground storage tank (UST) system; RULE VIOLATED: 30 TAC §37.815(a) and (b), by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs; PENALTY: \$4,634; ENFORCEMENT COORDINATOR: Faye Renfro, (512) 239-1833; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(35) COMPANY: M H JIWANI INCORPORATED; DOCKET NUMBER: 2023-0640-PST-E; IDENTIFIER: RN102713096; LOCATION: Selman City, Rusk County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §334.50(b)(1)(A), by failing to monitor underground storage tanks for releases at least once every 30 days; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 430-6057; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(36) COMPANY: MIDWAY WATER UTILITIES, INCORPORATED; DOCKET NUMBER: 2023-1419-PWS-E; IDENTIFIER: RN101265213; LOCATION: Graford, Palo Pinto County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$3,450; ENFORCEMENT COORDINATOR: Taner Hengst, (512) 239-1143; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(37) COMPANY: MSCS, Ltd.; DOCKET NUMBER: 2022-0662-WQ-E; IDENTIFIER: RN101434439; LOCATION: Brownsville, Cameron County; TYPE OF FACILITY: gasoline service station; RULES VIOLATED: 30 TAC §305.125(1) and (17) and §319.7(d) and Texas Pollutant Discharge Elimination System General Permit

Number TXG830757, Part III, Section A, Permit Requirements Number1; and Part IV, Standard Permit Conditions Number 7.f, by failing to submit monitoring results at intervals specified in the permit; PENALTY: \$11,382; ENFORCEMENT COORDINATOR: Megan Crinklaw, (512) 239-1129; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(38) COMPANY: Natgasoline LLC; DOCKET NUMBER: 2021-0337-AIR-E; IDENTIFIER: RN106586795; LOCATION: Beaumont, Jefferson County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §§101.20(1), (2), and (3), 113.100, 113.120, 115.126(1)(B), 116.115(c), and 122.143(4), 40 Code of Federal Regulations (CFR) §§60.18(b) and (c)(3)(ii), 63.11(b)(6)(ii), and 63.113(a)(1)(i), New Source Review (NSR) Permit Numbers 107764 and PSDTX1340, Special Conditions (SC) Number 14.A, Federal Operating Permit (FOP) Number O3963, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Numbers 1.A and 16.A, and Texas Health and Safety Code (THSC), §382.085(b), by failing to maintain the net heating value of the gas being combusted at 200 Btu/scf or greater if the flare is non-assisted; 30 TAC §§101.20(1), (2), and (3), 113.100, 113.120, 115.126(1)(B), 116.115(c), and 122.143(4), 40 CFR §§60.18(b) and (c)(4)(iii), 63.11(b)(7)(iii), and 63.113(a)(1)(i), NSR Permit Numbers 107764 and PSDTX1340, SC Number 14.A, FOP Number O3963, GTC and STC Numbers 1.A and 16.A, and THSC, §382.085(b), by failing to comply with the maximum exit velocity for non-assisted flares; 30 TAC §§101.20(1), (2), and (3), 113.100, 113.120, 113.1130, 116.115(c), and 122.143(4), 40 CFR §§60.8(a), 60.46b(d) and (e), 63.7(a)(2), 63.116(c), and 63.120(d)(1)(ii), 63.7510(f), and 63.7520(a), NSR Permit Numbers 107764, GHGPSDTX54, and PSDTX1340, SC Numbers 1.A, 3.A, 5.E, 16.A, 25.C, and III.B.2, FOP Number O3963, GTC and STC Numbers 1.A and 16.A, and THSC, §382.085(b), by failing to conduct stack sampling no later than 180 days after initial start-up; 30 TAC §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), NSR Permit Numbers 107764 and PSDTX1340, SC Number 1, FOP Number O3963, GTC and STC Number 16.A, and THSC, §382.085(b), by failing to comply with the maximum allowable emissions rate; 30 TAC §§101.20(3), 116.115(c), and 122.143(4), NSR Permit Numbers 107764 and PSDTX1340, SC Number 1, FOP Number O3963, GTC and STC Number 16.A, and THSC, §382.085(b), by failing to prevent unauthorized emissions; 30 TAC §116.115(b)(2)(F) and (c) and §122.143(4), NSR Permit Numbers 107764 and PSDTX1340, SC Number 12, FOP Number O3963, GTC and STC Number 16.A, and THSC, §382.085(b), by failing to comply with the annual throughput; 30 TAC §122.143(4) and §122.145(2)(A), FOP Number O3963, GTC, and THSC, §382.085(b), by failing to report all instances of deviations; 30 TAC §122.143(4) and §122.146(1) and (2), FOP Number O3963, GTC and STC Number 19, and THSC, §382.085(b), by failing to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance, and failing to submit a permit compliance certification within 30 days of any certification period; and 30 TAC §122.143(4) and (15) and §122.165(a)(7), FOP Number O3963, GTC, and THSC, §382.085(b), by failing to include a signed certification of accuracy and completeness; PENALTY: \$830,574; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$401,438; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(39) COMPANY: Nortex RediMix, LLC; DOCKET NUMBER: 2024-0421-WQ-E; IDENTIFIER: RN100755727; LOCATION: Aubrey, Denton County; TYPE OF FACILITY: ready-mixed concrete plant; RULES VIOLATED: 30 TAC §305.125(1) and (17) and §319.7(d) and Texas Pollutant Discharge Elimination System Permit

Number TXG113191, Standard Permit Conditions Part IV.7.f, by failing to timely submit monitoring results at intervals specified in the permit; PENALTY: \$2,362; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(40) COMPANY: Northlake Partners, LTD.; DOCKET NUMBER: 2023-0573-MWD-E; IDENTIFIER: RN101528909; LOCATION: Northlake, Denton County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014484001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$5,625; ENFORCEMENT COORDINATOR: Madison Stringer, (512) 239-1126; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(41) COMPANY: Off Duty Powder Works Incorporated; DOCKET NUMBER: 2023-1784-AIR-E; IDENTIFIER: RN111760468; LOCATION: Weatherford, Parker County; TYPE OF FACILITY: business that conducts powder coating, welding, and abrasive blasting operations; RULES VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$2,000; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(42) COMPANY: PARKVIEW PETROL LLC; DOCKET NUMBER: 2024-0751-PST-E; IDENTIFIER: RN102230679; LOCATION: Orange, Orange County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §334.49(a)(1), by failing to provide corrosion protection for the underground storage tank system; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 430-6057; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(43) COMPANY: QUALITY EXCAVATION LTD; DOCKET NUMBER: 2024-0409-WQ-E; IDENTIFIER: RN104261250; LOCATION: Aubrey, Denton County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit for stormwater discharges; PENALTY: \$875; ENFORCEMENT COORDINATOR: Monica Larina, (361) 881-6965; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, (361) 881-6900.

(44) COMPANY: Richard Lee Burch dba Burch Water Systems; DOCKET NUMBER: 2022-1571-PWS-E; IDENTIFIER: RN111570792; LOCATION: Denton, Denton County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(b)(1) and (e)(3), by failing to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection; 30 TAC §290.46(n)(1), by failing to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned; and 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) for as long as the well remains in service; PENALTY: \$3,025; ENFORCEMENT COORDINATOR: Nick Lohret-Froio, (512) 239-4495; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(45) COMPANY: SLOTT CONSTRUCTION COMPANY, INCORPORATED; DOCKET NUMBER: 2023-1520-AIR-E; IDENTIFIER: RN106950470; LOCATION: Willis, Montgomery County; TYPE OF FACILITY: portable air curtain incinerator; RULES VIOLATED: 30

TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$2,250; ENFORCEMENT COORDINATOR: Krystina Sepulveda, (956) 430-6045; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(46) COMPANY: Stakeholder Gas Services, LLC; DOCKET NUMBER: 2020-0294-AIR-E; IDENTIFIER: RN110038213; LOCATION: Plains, Yoakum County; TYPE OF FACILITY: natural gas processing plant; RULES VIOLATED: 30 TAC §101.201(a)(1)(B) and Texas Health and Safety Code (THSC), §382.085(b), by failing to submit an initial notification for a reportable emissions event no later than 24 hours after the discovery of an emissions event; and 30 TAC §116.115(c) and §116.615(2), Standard Permit Registration Number 149382, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$265,906; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$132,953; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(47) COMPANY: Stolthaven Houston, Incorporated; DOCKET NUMBER: 2021-0251-AIR-E; IDENTIFIER: RN100210475; LOCATION: Houston, Harris County; TYPE OF FACILITY: chemical storage site; RULES VIOLATED: 30 TAC §101.201(b)(1)(H) and §122.143(4), Federal Operating Permit (FOP) Number O1060, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 2.F., and Texas Health and Safety Code (THSC), §382.085(b), by failing to identify all required information on the final record for a reportable emissions event; and 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Number 41618, Special Conditions Number 1, FOP Number O1060, GTC and STC Number 17, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$42,006; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$16,802; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(48) COMPANY: SUNSUNNY INCORPORATED; DOCKET NUMBER: 2024-0918-PST-E; IDENTIFIER: RN101633048; LOCATION: Arlington, Tarrant County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §37.815(a) and (b), by failing to demonstrate financial assurance for petroleum underground storage tanks; PENALTY: \$1,750; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 430-6057; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(49) COMPANY: Two States Partners, LLC; DOCKET NUMBER: 2023-1481-PWS-E; IDENTIFIER: RN103052221; LOCATION: Slaton, Lubbock County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(b)(1) and (e)(3), by failing to provide disinfection facilities for the groundwater supply for the purpose of microbiological control and distribution protection; 30 TAC §290.46(n)(1), by failing to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned; and 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) for as long as the well remains in service; PENALTY: \$4,648; ENFORCEMENT COORDINATOR: Mason DeMasi, (210) 657-8425; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 492-3096.

(50) COMPANY: ZHISU GROUP LLC; DOCKET NUMBER: 2023-1451-PWS-E; IDENTIFIER: RN101278208; LOCATION: Hockley, Harris County; TYPE OF FACILITY: public water supply; RULES

VIOLATED: 30 TAC §290.43(d)(2), by failing to provide a pressure release device and an easily readable pressure gauge on all pressure tanks; 30 TAC §290.46(f)(2) and (3)(B)(iv), by failing to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request; 30 TAC §290.46(n)(1), by failing to maintain at the public water system accurate and up-to-date as-built plans or record drawings and specifications for each plant, pump station, and storage tank until the facility is decommissioned; and 30 TAC §290.121(a) and (b), by failing to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with the monitoring requirements; PENALTY: \$2,250; ENFORCEMENT COORDINATOR: Daphne Greene, (903) 535-5157; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(51) COMPANY: American Ckritical Energy Systems, Incorporated; DOCKET NUMBER: 2023-1619-PWS-E; IDENTIFIER: RN101214930; LOCATION: Spring Branch, Comal County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.44(d) and §290.46(r), by failing to maintain a minimum pressure of 35 pounds per square inch at all points within the distribution network under normal operating conditions; and 30 TAC §290.45(b)(1)(F)(i) and Texas Health and Safety Code, §341.0315(c), by failing to provide a well capacity of 0.6 gallons per minute per connection; PENALTY: \$2,250; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(52) COMPANY: AZTEC WASTE, INCORPORATED; DOCKET NUMBER: 2022-0169-MSW-E; IDENTIFIER: RN103991634; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: recycling operation; RULES VIOLATED: 30 TAC §324.15 and §327.5(a) and 40 Code of Federal Regulations §279.22(d), by failing to immediately abate and contain a spill or discharge of used oil; 30 TAC §328.5(d) and (f)(3), by failing to establish and maintain financial assurance for closure of a facility that stores combustible materials outdoors; 30 TAC §328.5(g), by failing to maintain recycling records and make them immediately available for inspection upon request by agency personnel; 30 TAC §328.63(c), by failing to obtain a registration to process scrap tires; and 30 TAC §330.15(a) and (c) and TWC, §26.121, by failing to not cause, suffer, allow, or permit the unauthorized disposal of municipal solid waste; PENALTY: \$24,074; ENFORCEMENT COORDINATOR: Ken Moller, (512) 239-6111; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(53) COMPANY: City of Anton; DOCKET NUMBER: 2023-0128-PWS-E; IDENTIFIER: RN101202448; LOCATION: Anton, Hockley County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.42(e)(2), by failing to disinfect all groundwater prior to distribution with a point of application ahead of the facility's ground storage tank, and in a manner consistent with 30 TAC §290.110; PENALTY: \$312; ENFORCEMENT COORDINATOR: Claudia Bartley, (512) 239-1116; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(54) COMPANY: City of Denison; DOCKET NUMBER: 2023-0658-PWS-E; IDENTIFIER: RN101421337; LOCATION: Denison, Grayson County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j)(1)(A) and Texas Health and Safety Code, §341.0351, by failing to notify the Executive Director and receive approval prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure

maintenance; PENALTY: \$1,800; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(55) COMPANY: D D T EXCAVATING AND SITE WORK, INCORPORATED; DOCKET NUMBER: 2023-1155-WQ-E; IDENTIFIER: RN109622126; LOCATION: Alvin, Brazoria County; TYPE OF FACILITY: aggregate production operation (APO); RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to maintain authorization to discharge stormwater associated with industrial activities; 30 TAC §342.25(d), by failing to renew the APO registration annually as regulated activities continued; and TWC, §26.121(a)(2), by failing to prevent an unauthorized discharge of other waste into or adjacent to any water in the state; PENALTY: \$15,563; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(56) COMPANY: East Montgomery County MUD 5; DOCKET NUMBER: 2023-1691-MWD-E; IDENTIFIER: RN106541360; LOCATION: New Caney, Montgomery County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0015065001, Interim I Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$10,313; ENFORCEMENT COORDINATOR: Kolby Farren, (512) 239-2098; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(57) COMPANY: FLUOR ENTERPRISES, INCORPORATED dba Colorado River Constructors, OHP and Balfour Beatty Infrastructure, Incorporated dba Colorado River Constructors, OHP; DOCKET NUMBER: 2024-0313-EAQ-E; IDENTIFIER: RN106528615; LOCATION: Austin, Travis County; TYPE OF FACILITY: roadway construction project; RULE VIOLATED: 30 TAC §213.23(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated activity over the Edwards Aquifer Contributing Zone; PENALTY: \$3,850; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(58) COMPANY: Glenn Thurman, Incorporated; DOCKET NUMBER: 2023-1750-AIR-E; IDENTIFIER: RN110726437; LOCATION: Cedar Hill, Dallas County; TYPE OF FACILITY: portable concrete batch plant; RULES VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing or modifying a source of air contaminants; PENALTY: \$1,625; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(59) COMPANY: Granberg Bulk Water Service LLC; DOCKET NUMBER: 2023-1295-PWS-E; IDENTIFIER: RN111526109; LOCATION: Blanco, Blanco County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.44(i)(2), by failing to obtain approval from the Executive Director for the equipment used to haul water when drinking water is distributed by tank truck or trailer; PENALTY: \$450; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(60) COMPANY: H-E-B, LP; DOCKET NUMBER: 2023-0532-EAQ-E; IDENTIFIER: RN111467460; LOCATION: Leander, Williamson County; TYPE OF FACILITY: construction site; RULE VIOLATED: 30 TAC §213.4(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing a regulated

activity over the Edwards Aquifer Recharge Zone; PENALTY: \$3,250; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(61) COMPANY: Hockley Oilfield Supply, LLC; DOCKET NUMBER: 2023-1574-MLM-E; IDENTIFIER: RN102803228; LOCATION: Levelland, Hockley County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(d)(2)(A) and §290.110(b)(4) and Texas Health and Safety Code (THSC), §341.0315(c), by failing to maintain a disinfectant residual of at least 0.2 milligrams per liter of free chlorine throughout the distribution system; 30 TAC §290.46(e)(4)(A) and THSC, §341.033(a), by failing to operate the facility under the direct supervision of a water works operator who holds an applicable, valid class D license or higher license issued by the Executive Director; 30 TAC §290.46(n)(1), by failing to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the facility is decommissioned; 30 TAC §290.46(n)(3), by failing to keep on file copies of well completion data as defined in 30 TAC §290.41(c)(3)(A) for as long as the wells remain in service; 30 TAC §116.110(e)(1) and THSC, §382.085(b), by failing to notify the commission within 30 days after the change of ownership of the facility; and 30 TAC §116.115(b) and (c)(2)(E)(ii), New Source Review Permit Number 51399, General Condition Number 7 and Special Condition Numbers 18B, 18D, 18E and 18F, and THSC, §382.085(b), by failing to maintain records at the facility; PENALTY: \$7,913; ENFORCEMENT COORDINATOR: Claudia Bartley, (512) 239-1116; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(62) COMPANY: Ingram Readymix Number 101, L.L.C.; DOCKET NUMBER: 2024-0621-WQ-E; IDENTIFIER: RN102165255; LOCATION: Houston, Harris County; TYPE OF FACILITY: concrete batch plant; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System (TPDES) General Permit Number TXG112844, Part III, Permit Requirements Section A.1, by failing to comply with permitted effluent limitations; and 30 TAC §305.125(1) and §319.5(b) and TPDES General Permit Number TXG112844, Part III, Permit Requirements Section A.1, by failing to collect and analyze effluent samples at the intervals specified in the permit; PENALTY: \$6,750; ENFORCEMENT COORDINATOR: Nancy M. Sims, (512) 239-5053; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(63) COMPANY: Jose Mario Rios dba Los Rios Landscaping LLC; DOCKET NUMBER: 2023-1636-LII-E; IDENTIFIER: RN111401949; LOCATION: Dripping Springs, Hays County; TYPE OF FACILITY: landscape irrigation business; RULES VIOLATED: 30 TAC §30.5(a), TWC, §37.003, and Texas Occupations Code, §1903.251, by failing to hold an irrigator license prior to selling, designing, installing, maintaining, altering, repairing, servicing, providing consulting services relating to an irrigation system, or connecting an irrigation system to any water supply; and 30 TAC §30.5(b) and TWC, §37.003, by failing to refrain from advertising or representing to the public that they can perform services for which a license is required unless they hold a current license, or unless they employ an individual who holds a current license; PENALTY: \$1,125; ENFORCEMENT COORDINATOR: Miles Caston, (512) 239-4593; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(64) COMPANY: Josh Ingram; DOCKET NUMBER: 2023-0964-EAQ-E; IDENTIFIER: RN111648903; LOCATION: New Braunfels, Comal County; TYPE OF FACILITY: construction site; RULE

VIOLATED: 30 TAC §213.4(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing regulated activity over the Edwards Aquifer Recharge Zone; PENALTY: \$1,625; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(65) COMPANY: Lake Municipal Utility District; DOCKET NUMBER: 2023-1730-MWD-E; IDENTIFIER: RN104007166; LOCATION: Baytown, Harris County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014478001 Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$6,375; ENFORCEMENT COORDINATOR: Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(66) COMPANY: PATRIOT MINING AND MATERIALS LLC; DOCKET NUMBER: 2024-1137-WQ-E; IDENTIFIER: RN111427894; LOCATION: Chatfield, Navarro County; TYPE OF FACILITY: operator; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a multi-sector general permit for stormwater discharges; PENALTY: \$875; ENFORCEMENT COORDINATOR: Nancy Sims, (512) 239-5053; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(67) COMPANY: QuanaCo. LLC; DOCKET NUMBER: 2024-0115-PST-E; IDENTIFIER: RN101444834; LOCATION: Quanah, Hardeman County; TYPE OF FACILITY: temporarily-out-of-service facility; RULES VIOLATED: 30 TAC §334.7(d)(1)(B) and (3), by failing to notify the agency of any change or additional information regarding the underground storage tanks (USTs) within 30 days of occurrence of the change or addition; and 30 TAC §§334.49(c)(4)(C), 334.50(b)(1)(A), and 334.54(b)(2) and (3) and (c)(1) and TWC, §26.3475(c)(1) and (d), by failing to provide continuous corrosion protection for the temporarily out-of-service UST system, and failing to maintain all piping, pumps, manways, tank access points, and ancillary equipment on the temporarily out-of-service UST system in a capped, plugged, locked, and/or otherwise secured manner; PENALTY: \$6,128; ENFORCEMENT COORDINATOR: Eresha DeSilva, (512) 239-5084; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(68) COMPANY: REXCO, INCORPORATED; DOCKET NUMBER: 2023-0522-PST-E; IDENTIFIER: RN109842682; LOCATION: Cuero, DeWitt County; TYPE OF FACILITY: aggregate production operation; RULES VIOLATED: 30 TAC §334.127(a)(1) and TWC, §26.346(a), by failing to register all aboveground storage tanks in existence on or after September 1st, 1989, with the TCEQ; PENALTY: \$2,125; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(69) COMPANY: Royal Valley Utilities, Incorporated; DOCKET NUMBER: 2021-1557-MWD-E; IDENTIFIER: RN104621990; LOCATION: Richmond, Fort Bend County; TYPE OF FACILITY: domestic wastewater treatment facility; RULES VIOLATED: 30 TAC §305.125(1), TWC, §26.121(a)(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0014623001, Interim I Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$24,750; ENFORCEMENT COORDINATOR: Mark Gamble, (512) 239-2587; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(70) COMPANY: South Texas Frac LLC; DOCKET NUMBER: 2023-0859-AIR-E; IDENTIFIER: RN110481108; LOCATION: Floresville, Wilson County; TYPE OF FACILITY: frac sand mine, wash plant, and drying plant; RULES VIOLATED: 30 TAC §106.145(3), Permit by Rule Registration Number 153260, and Texas Health and Safety Code, §382.085(b), by failing to water, treat with dust-suppressant chemicals, oil, or pave and clean all permanent in-plant roads and vehicle work areas as necessary to achieve maximum control of dust emissions; PENALTY: \$9,000; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(71) COMPANY: Sutton Hills Estates Property Owners' Association, Incorporated; DOCKET NUMBER: 2022-0776-MLM-E; IDENTIFIER: RN101182061; LOCATION: Broaddus, San Augustine County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §288.20(c), by failing to review and update, as appropriate, the drought contingency plan at least every five years; 30 TAC §290.41(c)(1)(f), by failing to obtain a sanitary control easement covering land within 150 feet of the facility's Well Number 1; 30 TAC §290.41(c)(3)(B), by failing to provide a well casing a minimum of 18 inches above the elevation of the finished floor of the pump house or natural ground surface; 30 TAC §290.42(j), by failing to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards Institute/National Sanitation Foundation Standard 60 for Drinking Water Treatment Chemicals; 30 TAC §290.42(m), by failing to enclose the treatment plant and related appurtenances by an intruder-resistant fence with gates that shall be locked during periods of darkness and when the facility is unattended; 30 TAC §290.43(c)(2), by failing to provide the ground storage tank with a roof access opening designed in accordance with current American Water Works Association standards that has a raised curbing at least four inches in height with a lockable cover that overlaps the curbing at least two inches in a downward direction; 30 TAC §290.43(d)(1), by failing to provide a pressure tank of 1,000 gallons capacity or larger that meets the American Society of Mechanical Engineers Section VIII, Division I Codes and Construction Regulations and has an access port for periodic inspections; 30 TAC §290.46(d)(2)(A) and §290.110(b)(4) and Texas Health and Safety Code, §341.0315(c), by failing to maintain a disinfectant residual of at least 0.2 milligrams per liter of free chlorine throughout the distribution system at all times; 30 TAC §290.46(f)(2) and (3)(A)(i)(III), (iii), (iv), (B)(iii), (iv), and (v), (D)(ii), and (E)(iv), by failing to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request; 30 TAC §290.46(m), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment; 30 TAC §290.46(m)(4), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids; 30 TAC §290.46(v), by failing to ensure that the electrical wiring is securely installed in compliance with a local or national electrical code; 30 TAC §290.110(c)(4)(A), by failing to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days; 30 TAC §290.119(b)(7), by failing to use an acceptable analytical method for disinfectant analyses; and 30 TAC §290.121(a) and (b), by failing to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the facility will use to comply with the monitoring requirements; PENALTY: \$4,463; ENFORCEMENT COORDINATOR: Miles Wehner, (512) 239-2813; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(72) COMPANY: SWG Pipeline, L.L.C.; DOCKET NUMBER: 2022-0200-AIR-E; IDENTIFIER: RN100212539; LOCATION: Rhome, Wise County; TYPE OF FACILITY: natural gas compressor station; RULES VIOLATED: 30 TAC §§116.115(b)(2)(F), 116.615(2), and 122.143(4), Standard Permit Registration Number 83910, Federal Operating Permit Number O3862, General Terms and Conditions and Special Terms and Conditions Number 8, and Texas Health and Safety Code, §382.085(b), by failing to comply with the maximum emissions rate; PENALTY: \$28,125; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(73) COMPANY: Syed Gardezi and Anila Gardezi; DOCKET NUMBER: 2024-0184-OSS-E; IDENTIFIER: RN111621249; LOCATION: Richmond, Fort Bend County; TYPE OF FACILITY: primary care business; RULES VIOLATED: 30 TAC §285.3(a) and (b)(1) and Texas Health and Safety Code, §366.004 and §366.051(a), by failing to obtain authorization prior to constructing, altering, repairing extending, or operating an on-site sewage facility; PENALTY: \$500; ENFORCEMENT COORDINATOR: Nancy M. Sims, (512) 239-5053; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(74) COMPANY: Texas Water Utilities, L.P.; DOCKET NUMBER: 2023-1715-PWS-E; IDENTIFIER: RN101453900; LOCATION: Weatherford, Parker County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.45(b)(1)(C)(i) and Texas Health and Safety Code, §341.0315(c), by failing to provide a minimum well capacity; PENALTY: \$750; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(75) COMPANY: Thak Tilicho LLC dba Quality Mart; DOCKET NUMBER: 2023-0631-PST-E; IDENTIFIER: RN104524343; LOCATION: Garland, Dallas County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tanks (USTs) in a manner which will detect a release at a frequency of at least once every 30 days, and failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$4,619; ENFORCEMENT COORDINATOR: Lauren Little, (817) 588-5888; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(76) COMPANY: The Lubrizol Corporation; DOCKET NUMBER: 2021-1268-AIR-E; IDENTIFIER: RN101058410; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Numbers 7264 and 7730, Special Conditions Number 1, Federal Operating Permit Number O1582, General Terms and Conditions and Special Terms and Conditions Number 12, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$83,550; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-2545.

(77) COMPANY: Van Ruiten Dairy L.L.C. dba Van Ruiten Dairy Partners; DOCKET NUMBER: 2023-1755-AGR-E; IDENTIFIER: RN101522233; LOCATION: Iredell, Erath County; TYPE OF FACILITY: concentrated animal feeding operation; RULES VIOLATED: 30 TAC §§305.62, 305.125(1), and 321.33(g)(3), and Texas Pollutant Discharge Elimination System Permit Number WQ0003290000 Part IX.A and H, by failing to obtain an amendment prior to a change in a term, condition, or provision of a permit; PENALTY: \$2,000; ENFORCEMENT COORDINATOR: Nancy Sims, (512) 239-5053;

REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-202403121

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: July 16, 2024



Combined Notice of Public Meeting and Notice of Application and Preliminary Decision for TPDES Permit for Municipal Wastewater New Permit No. WQ0016462001

APPLICATION AND PRELIMINARY DECISION. Limmer Holdings LLC, 101 Parklane Boulevard, Sugar Land, Texas 77478, has applied to the Texas Commission on Environmental Quality (TCEQ) for new Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0016462001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 150,000 gallons per day. TCEQ received this application on January 8, 2024.

The facility will be located approximately 0.5 miles south-southwest of the intersection of Limmer Loop and State Highway 130, in Williamson County, Texas 78634. The treated effluent will be discharged to an unnamed tributary, thence to Soil Conservation Service (SCS) Site 18 Reservoir, thence to an unnamed tributary, thence to Brushy Creek in Segment No. 1244 of the Brazos River Basin. The unclassified receiving water uses are limited aquatic life use for the unnamed tributary, and high aquatic life use for the SCS Site 18 Reservoir. The designated uses for Segment No. 1244 are primary contact recreation, public water supply, aquifer protection, and high aquatic life use. In accordance with 30 TAC §307.5 and TCEQ's *Procedures to Implement the Texas Surface Water Quality Standards* (June 2010), an antidegradation review of the receiving waters was performed. A Tier 1 antidegradation review has preliminarily determined that existing water quality uses will not be impaired by this permit action. Numerical and narrative criteria to protect existing uses will be maintained. A Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Soil Conservation Service Site 18 Reservoir, which has been identified as having high aquatic life use. Existing uses will be maintained and protected. The preliminary determination can be re-examined and may be modified if new information is received. This link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. For the exact location, refer to the application.

<https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.58098,30.554958&level=18>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Hutto Public Library, 500 West Live Oak Street, Hutto, Texas

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>. El aviso de idioma alternativo en español está disponible en <https://www.tceq.texas.gov/permitting/wastewater/plain-language-summaries-and-public-notices>.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments about this application. The TCEQ will hold a public meeting on this application because it was requested by a local legislator.

The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period, and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. A written response to all timely, relevant, and material, or significant comments will be prepared by the Executive Director. All formal comments will be considered before a decision is reached on the permit application. A copy of the written response will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application.

The Public Meeting is to be held:

Thursday, August 29, 2024 at 7:00 p.m.

Holiday Inn Express

323 Ed Schmidt Boulevard

Hutto, Texas 78634

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or (800) RELAY-TX (TDD) at least five business days prior to the meeting.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material or significant public comments. **Unless the application is directly referred for a contested case hearing, the response to comments will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting a contested case hearing or reconsideration of the Executive Director's decision.** A contested case hearing is a legal proceeding similar to a civil trial in a state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period; and the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide

the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. **If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period.**

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the permit and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

All written public comments and public meeting requests must be submitted to the Office of the Chief Clerk, MC 105, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at www.tceq.texas.gov/goto/comment within 30 days from the date of newspaper publication of this notice or by the date of the public meeting, whichever is later.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Search the database using the permit number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. Public comments and requests must be submitted either electronically at www.tceq.texas.gov/goto/comment, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Any personal information you submit to the TCEQ will become part of the agency's record; this includes email addresses. For more information about this permit application or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Limmer Holdings LLC at the address stated above or by calling Ms. Lauren Crone, P.E., LJA Engineering, Inc., at (512) 439-4700.

Issuance Date: July 16, 2024

TRD-202403146

Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: July 17, 2024



Enforcement Orders

An agreed order was adopted regarding United Site Services of Texas, Inc., Docket No. 2021-1644-SLG-E on July 16, 2024 assessing \$3,001 in administrative penalties with \$600 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding VITOL PETRO INC., Docket No. 2022-0174-WQ-E on July 16, 2024 assessing \$6,525 in administrative penalties with \$1,305 deferred. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding COMMUNITY WATER SUPPLY CORPORATION, Docket No. 2022-0612-WQ-E on July 16, 2024 assessing \$2,300 in administrative penalties with \$460 deferred. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding THIRD LAREDO STORE INC dba Kings Oil 387, Docket No. 2022-0930-PST-E on July 16, 2024 assessing \$3,719 in administrative penalties with \$743 deferred. Information concerning any aspect of this order may be obtained by contacting Eresha DeSilva, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BARUCH, LP, Docket No. 2022-1021-PST-E on July 16, 2024 assessing \$7,000 in administrative penalties with \$1,400 deferred. Information concerning any aspect of this order may be obtained by contacting Lauren Little, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TELGE INDUSTRIAL PARK II, INC., Docket No. 2022-1120-PWS-E on July 16, 2024 assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Salas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Kara Von Chorenziak dba Dutchman's Hidden Valley Store, Docket No. 2022-1139-PWS-E on July 16, 2024 assessing \$4,285 in administrative penalties with \$857 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TEXANS R.V PARK, INC dba Mountain View RV Park, Docket No. 2022-1200-PWS-E on July 16, 2024 assessing \$500 in administrative penalties with \$100 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Dickens, Docket No. 2022-1375-PWS-E on July 16, 2024 assessing \$413 in administrative penalties with \$82 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez Scott, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Mertens, Docket No. 2022-1533-PWS-E on July 16, 2024 assessing \$800 in administrative penalties with \$160 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Salas, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding OWENS AND SONS, INC., Docket No. 2022-1608-PST-E on July 16, 2024 assessing \$3,948 in administrative penalties with \$789 deferred. Information concerning any aspect of this order may be obtained by contacting Tiffany Chu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding JAMAL Enterprises, LP, Docket No. 2022-1619-PWS-E on July 16, 2024 assessing \$1,957 in administrative penalties with \$391 deferred. Information concerning any aspect of this order may be obtained by contacting Mason DeMasi, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Fort Bend County Municipal Utility District 41, Docket No. 2022-1672-PWS-E on July 16, 2024 assessing \$164 in administrative penalties with \$32 deferred. Information concerning any aspect of this order may be obtained by contacting Nicholas Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Utilities, Inc., Docket No. 2023-0116-PWS-E on July 16, 2024 assessing \$1,425 in administrative penalties with \$285 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez Scott, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LAKESHORE UTILITY COMPANY, Docket No. 2023-0135-PWS-E on July 16, 2024 assessing \$4,375 in administrative penalties with \$875 deferred. Information concerning any aspect of this order may be obtained by contacting Kaisie Hubschmitt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Victoria Independent School District, Docket No. 2023-0195-PWS-E on July 16, 2024 assessing \$725 in administrative penalties with \$145 deferred. Information concerning any aspect of this order may be obtained by contacting Mason DeMasi, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TBM Resident Water Supply Corporation, Docket No. 2023-0253-PWS-E on July 16, 2024 assessing \$150 in administrative penalties with \$30 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez Scott, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Smyer, Docket No. 2023-0289-PWS-E on July 16, 2024 assessing \$270 in administrative

penalties with \$54 deferred. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding RIVER ROAD CAMP, INC., Docket No. 2023-0357-PWS-E on July 16, 2024 assessing \$4,522 in administrative penalties with \$904 deferred. Information concerning any aspect of this order may be obtained by contacting Nicholas Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding MELROSE MHP, L.L.C., Docket No. 2023-0542-PWS-E on July 16, 2024 assessing \$460 in administrative penalties with \$92 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez Scott, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding UKG Enterprises Inc dba Rite Track 1, Docket No. 2023-0589-PST-E on July 16, 2024 assessing \$3,375 in administrative penalties with \$675 deferred. Information concerning any aspect of this order may be obtained by contacting Lauren Little, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding GCPRV2, LLC, Docket No. 2023-0613-PWS-E on July 16, 2024 assessing \$1,326 in administrative penalties with \$265 deferred. Information concerning any aspect of this order may be obtained by contacting Claudia Bartley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Occidental Permian Ltd., Docket No. 2023-0662-AIR-E on July 16, 2024 assessing \$3,001 in administrative penalties with \$600 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Forge Energy Operating, LLC, Docket No. 2023-0664-AIR-E on July 16, 2024 assessing \$3,538 in administrative penalties with \$707 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Robert Wimpee and Delaina Wimpee, Docket No. 2023-0729-OSS-E on July 16, 2024 assessing \$945 in administrative penalties with \$189 deferred. Information concerning any aspect of this order may be obtained by contacting Nancy Sims, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Gladys Caceres, Docket No. 2023-0793-EAQ-E on July 16, 2024 assessing \$1,625 in administrative penalties with \$325 deferred. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding APACHE CORPORATION, Docket No. 2023-0799-AIR-E on July 16, 2024 assessing \$6,438 in administrative penalties with \$1,287 deferred. Information concerning any aspect of this order may be obtained by contacting Desmond Mar-

tin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Hardy T Land, LLC, Docket No. 2023-0835-EAQ-E on July 16, 2024 assessing \$1,625 in administrative penalties with \$325 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Pioneer Natural Resources USA, Inc., Docket No. 2023-0898-AIR-E on July 16, 2024 assessing \$4,688 in administrative penalties with \$937 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding CY-Champ Public Utility District, Docket No. 2023-0927-PWS-E on July 16, 2024 assessing \$4,500 in administrative penalties with \$900 deferred. Information concerning any aspect of this order may be obtained by contacting Kaisie Hubschmitt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Marshall Kus dba K C UTILITIES INC, Docket No. 2023-0932-MLM-E on July 16, 2024 assessing \$1,863 in administrative penalties with \$372 deferred. Information concerning any aspect of this order may be obtained by contacting Nick Lohret-Froio, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Duke's Junk Recycling LLC, Docket No. 2023-1090-MSW-E on July 16, 2024 assessing \$2,250 in administrative penalties with \$450 deferred. Information concerning any aspect of this order may be obtained by contacting Eresha DeSilva, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ALPHA TECHNICAL SERVICES CORPORATION, LC, Docket No. 2023-1126-AIR-E on July 16, 2024 assessing \$3,274 in administrative penalties with \$654 deferred. Information concerning any aspect of this order may be obtained by contacting Caleb Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Knollwood, Docket No. 2023-1273-PWS-E on July 16, 2024 assessing \$300 in administrative penalties with \$60 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez-Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Dennis Kusenberger, Docket No. 2023-1287-PST-E on July 16, 2024 assessing \$5,375 in administrative penalties with \$1,075 deferred. Information concerning any aspect of this order may be obtained by contacting Eunice Adegele, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Stonetown Walnut Creek, LLC, Docket No. 2023-1443-MWD-E on July 16, 2024 assessing \$6,375 in administrative penalties with \$1,275 deferred. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding JOHNSON COUNTY PIPE, INC., Docket No. 2023-1460-MWD-E on July 16, 2024 assessing \$6,000 in administrative penalties with \$1,200 deferred. Information concerning any aspect of this order may be obtained by contacting Megan Crinklaw, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Great Western Drilling Ltd., Docket No. 2023-1470-AIR-E on July 16, 2024 assessing \$1,875 in administrative penalties with \$375 deferred. Information concerning any aspect of this order may be obtained by contacting Matthew Perez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Reno, Docket No. 2023-1486-PWS-E on July 16, 2024 assessing \$427 in administrative penalties with \$85 deferred. Information concerning any aspect of this order may be obtained by contacting Ashley Lemke, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Wahab Enterprises, Inc. dba Roy Orr Food Mart, Docket No. 2023-1571-PST-E on July 16, 2024 assessing \$2,556 in administrative penalties with \$511 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Fishbeck, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Cesar Alvarez, Docket No. 2023-1745-OSI-E on July 16, 2024 assessing \$6,005 in administrative penalties with \$1,201 deferred. Information concerning any aspect of this order may be obtained by contacting Nancy Sims, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding IGH Holdings LLC, Docket No. 2024-0045-WQ-E on July 16, 2024 assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Margaux Ordoveza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Glitter Gems LLC, Docket No. 2024-0151-PST-E on July 16, 2024 assessing \$2,625 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Danielle Fishbeck, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Valero Partners North Texas, LLC, Docket No. 2024-0236-AIR-E on July 16, 2024 assessing \$2,813 in administrative penalties with \$562 deferred. Information concerning any aspect of this order may be obtained by contacting Amanda Diaz, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding DLUGOSCH III, LLC dba Texan 10, Docket No. 2024-0249-PST-E on July 16, 2024 assessing \$2,813 in administrative penalties with \$562 deferred. Information concerning any aspect of this order may be obtained by contacting Ramyia Wendt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding DavisWetzel Group, LLC, Docket No. 2024-0379-WQ-E on July 16, 2024 assessing \$5,000 in administrative penalties with \$1,000 deferred. Information concerning

any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding INEOS US Chemicals Company, Docket No. 2024-0381-AIR-E on July 16, 2024 assessing \$7,450 in administrative penalties with \$1,490 deferred. Information concerning any aspect of this order may be obtained by contacting Danielle Porras, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Noble Energy, Inc., Docket No. 2024-0384-AIR-E on July 16, 2024 assessing \$5,625 in administrative penalties with \$1,125 deferred. Information concerning any aspect of this order may be obtained by contacting Michael Wilkins, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Navasota Independent School District, Docket No. 2024-0480-MWD-E on July 16, 2024 assessing \$7,125 in administrative penalties with \$1,425 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Schroeder, Norman C, Docket No. 2024-0754-WOC-E on July 16, 2024 assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Margaux Ordoveza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Karon Kay McNaley, Docket No. 2024-0778-WOC-E on July 16, 2024 assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Wyatt Throm, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Pogue, Pecos Ike, Docket No. 2024-0802-WOC-E on July 16, 2024 assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Margaux Ordoveza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A field citation was adopted regarding Ortega, Jose Angel, Docket No. 2024-0859-WOC-E on July 16, 2024 assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Miles Caston, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202403147

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 17, 2024



Enforcement Orders

An agreed order was adopted regarding City of Marquez, Docket No. 2021-1156-MWD-E on July 17, 2024 assessing \$78,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator

at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Pottsboro, Docket No. 2021-1605-MWD-E on July 17, 2024 assessing \$11,625 in administrative penalties with \$2,325 deferred. Information concerning any aspect of this order may be obtained by contacting Kolby Farren, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Silverton, Docket No. 2021-1631-MWD-E on July 17, 2024 assessing \$16,875 in administrative penalties with \$3,375 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding PREMIUM CUTS LAWN SERVICE AND MAINTENANCE, INC., Docket No. 2022-0019-MSW-E on July 17, 2024 assessing \$30,343 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Misty James, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Dreamland tank town, llc, Docket No. 2022-0124-MLM-E on July 17, 2024 assessing \$22,500 in administrative penalties with \$4,500 deferred. Information concerning any aspect of this order may be obtained by contacting Mark Gamble, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Cristobal Torres, Docket No. 2022-0195-LII-E on July 17, 2024 assessing \$1,257 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Cynthia Sirois, Staff Attorney at (512) 239 3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

An agreed order was adopted regarding Patton Springs Independent School District, Docket No. 2022-0270-PWS-E on July 17, 2024 assessing \$8,562 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Christiana McCrimmon, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding ExxonMobil Oil Corporation, Docket No. 2022-0283-AIR-E on July 17, 2024 assessing \$39,301 in administrative penalties with \$7,806 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Orange Grove, Docket No. 2022-0387-MWD-E on July 17, 2024 assessing \$54,225 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Mistie Gonzales, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Trophy Materials, LLC, Docket No. 2022-0576-WQ-E on July 17, 2024 assessing \$11,750 in administrative penalties with \$2,350 deferred. Information concerning any aspect of this order may be obtained by contacting Nancy Sims, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Trophy Materials, LLC, Docket No. 2022-0577-WQ-E on July 17, 2024 assessing \$9,500 in

administrative penalties with \$1,900 deferred. Information concerning any aspect of this order may be obtained by contacting Nancy Sims, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Trophy Materials, LLC, Docket No. 2022-0578-WQ-E on July 17, 2024 assessing \$9,500 in administrative penalties with \$1,900 deferred. Information concerning any aspect of this order may be obtained by contacting Nancy Sims, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Intercontinental Terminals Company LLC, Docket No. 2022-0766-AIR-E on July 17, 2024 assessing \$18,150 in administrative penalties with \$3,630 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Trophy Materials, LLC, Docket No. 2022-1045-WQ-E on July 17, 2024 assessing \$11,750 in administrative penalties with \$2,350 deferred. Information concerning any aspect of this order may be obtained by contacting Nancy Sims, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TGNR East Texas LLC, Docket No. 2022-1353-AIR-E on July 17, 2024 assessing \$9,400 in administrative penalties with \$1,880 deferred. Information concerning any aspect of this order may be obtained by contacting Desmond Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding The Premcor Refining Group Inc., Docket No. 2022-1354-AIR-E on July 17, 2024 assessing \$137,250 in administrative penalties with \$27,450 deferred. Information concerning any aspect of this order may be obtained by contacting Desmond Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Undine Texas, LLC, Docket No. 2022-1478-PWS-E on July 17, 2024 assessing \$2,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Claudia Bartley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas Star Ready Mix, LLC, Docket No. 2022-1557-AIR-E on July 17, 2024 assessing \$35,000 in administrative penalties with \$31,400 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Trinity Rural Water Supply Corporation, Docket No. 2022-1583-PWS-E on July 17, 2024 assessing \$8,300 in administrative penalties with \$1,660 deferred. Information concerning any aspect of this order may be obtained by contacting Miles Wehner, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding GARY WATER SUPPLY CORPORATION, Docket No. 2022-1646-PWS-E on July 17, 2024 assessing \$2,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Wyatt Throm,

Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Millersview-Doole Water Supply Corporation, Docket No. 2023-0122-PWS-E on July 17, 2024 assessing \$2,550 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Daphne Greene, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Undine Texas, LLC, Docket No. 2023-0506-PWS-E on July 17, 2024 assessing \$2,500 in administrative penalties with \$2,500 deferred. Information concerning any aspect of this order may be obtained by contacting Christiana McCrimmon, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Johnny Baulch Sandpit, L.L.C., Docket No. 2023-0510-WQ-E on July 17, 2024 assessing \$46,000 in administrative penalties with \$9,200 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Proman USA (Pampa) LLC, Docket No. 2023-0614-AIR-E on July 17, 2024 assessing \$11,413 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2023-0660-PWS-E on July 17, 2024 assessing \$2,425 in administrative penalties with \$2,425 deferred. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Occidental Chemical Corporation, Docket No. 2023-0684-AIR-E on July 17, 2024 assessing \$52,475 in administrative penalties with \$10,495 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding DIAMOND SHAMROCK REFINING COMPANY, L.P., Docket No. 2023-0782-AIR-E on July 17, 2024 assessing \$10,725 in administrative penalties with \$2,145 deferred. Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Valero Refining-Texas, L.P., Docket No. 2023-0833-AIR-E on July 17, 2024 assessing \$8,680 in administrative penalties with \$1,736 deferred. Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding John A. Taylor, Docket No. 2023-0922-WQ-E on July 17, 2024 assessing \$36,250 in administrative penalties with \$7,250 deferred. Information concerning any aspect of this order may be obtained by contacting Nancy Sims, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Rohm and Haas Texas Incorporated, Docket No. 2023-0967-AIR-E on July 17, 2024 assessing \$25,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Desmond Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Bayport Polymers LLC, Docket No. 2023-0968-AIR-E on July 17, 2024 assessing \$16,461 in administrative penalties with \$3,292 deferred. Information concerning any aspect of this order may be obtained by contacting Desmond Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Stakeholder Gas Services, LLC, Docket No. 2023-1039-AIR-E on July 17, 2024 assessing \$6,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ranger Energy Services, LLC, Docket No. 2023-1064-PWS-E on July 17, 2024 assessing \$6,500 in administrative penalties with \$6,500 deferred. Information concerning any aspect of this order may be obtained by contacting Mason DeMasi, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding CSWR-Texas Utility Operating Company, LLC, Docket No. 2023-1072-PWS-E on July 17, 2024 assessing \$17,900 in administrative penalties with \$17,000 deferred. Information concerning any aspect of this order may be obtained by contacting Margaux Ordoveza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ames Construction, Inc., Docket No. 2023-1394-WQ-E on July 17, 2024 assessing \$37,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Williamson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Strategic Materials, Inc., Docket No. 2023-1398-AIR-E on July 17, 2024 assessing \$24,875 in administrative penalties with \$4,975 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Countryside Developments LLC, Docket No. 2023-1424-WQ-E on July 17, 2024 assessing \$10,125 in administrative penalties with \$2,025 deferred. Information concerning any aspect of this order may be obtained by contacting Kolby Farren, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding NKA Development, LLC, Docket No. 2023-1473-WQ-E on July 17, 2024 assessing \$119,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Williamson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Port Lavaca, Docket No. 2023-1545-PWS-E on July 17, 2024 assessing \$13,500 in administrative penalties with \$13,500 deferred. Information concerning any

aspect of this order may be obtained by contacting Mason DeMasi, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Nutrien Us Llc, Docket No. 2023-1577-AIR-E on July 17, 2024 assessing \$0 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Trenton White, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Equistar Chemicals, LP, Docket No. 2024-0059-AIR-E on July 17, 2024 assessing \$13,125 in administrative penalties with \$2,625 deferred. Information concerning any aspect of this order may be obtained by contacting Matthew Perez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Celanese Ltd., Docket No. 2024-0060-AIR-E on July 17, 2024 assessing \$13,650 in administrative penalties with \$2,730 deferred. Information concerning any aspect of this order may be obtained by contacting Caleb Martin, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Devon Energy Production Company, L.P., Docket No. 2024-0157-AIR-E on July 17, 2024 assessing \$12,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Valley Crossing Pipeline, LLC, Docket No. 2024-0247-AIR-E on July 17, 2024 assessing \$69,300 in administrative penalties with \$13,860 deferred. Information concerning any aspect of this order may be obtained by contacting Mackenzie Mehlmann, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Bell County Water Control & Improvement District No. 2, Docket No. 2024-0257-MWD-E on July 17, 2024 assessing \$12,150 in administrative penalties with \$2,430 deferred. Information concerning any aspect of this order may be obtained by contacting Taylor Williamson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding MTZ Construction, Inc., Docket No. 2024-0302-WQ-E on July 17, 2024 assessing \$9,750 in administrative penalties with \$1,950 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Stringer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding KW Homes, LLC, Docket No. 2024-0360-WQ-E on July 17, 2024 assessing \$8,625 in administrative penalties with \$1,725 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Stringer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Dodd City, Docket No. 2024-0399-MWD-E on July 17, 2024 assessing \$20,312 in administrative penalties with \$4,062 deferred. Information concerning any aspect of this order may be obtained by contacting Taylor Williamson, En-

forcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202403148

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 17, 2024



Notice of District Petition

Notice issued July 11, 2024

TCEQ Internal Control No. D-04192024-055: Wallace Scarborough Ranch, LP, a Texas limited partnership, and Jenchin Partners, Ltd., a Texas limited partnership, ("Petitioners") filed a petition for creation of North Texas Municipal Utility District No. 1 of Grayson County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article III, Section 52 and Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code (TWC); 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner is the owner of a majority of the assessed value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 413 acres of land, located within Grayson County, Texas; and (4) the land to be included in the proposed District is not within the corporate limits or the extraterritorial jurisdiction of any city or municipality.

The petition further states that the proposed District will (1) purchase, construct, acquire, improve, or extend, inside or outside of its boundaries, any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of, and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water in the District; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (5) purchase, construct, acquire, improve, or extend, inside or outside of its boundaries, such additional facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is created. It is further proposed that the District be granted road powers pursuant to TWC Section 54.234. According to the petition, a preliminary investigation has been made to determine the cost of purchasing and constructing the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$91,505,494.

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results.

The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the

petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202403144

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 17, 2024



Notice of Opportunity to Comment on a Default Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **August 26, 2024**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on August 26, 2024**. The commission's attorney is available to discuss the DO and/or the comment

procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Juan Carlos Diaz Amaya; DOCKET NUMBER: 2023-0873-MLM-E; TCEQ ID NUMBER: RN111697272; LOCATION: 354 Country Road 3404, Cleveland, Liberty County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) disposal site; RULES VIOLATED: 30 TAC §330.15(a) and (c), by causing, suffering, allowing, or permitting the unauthorized disposal of MSW; and Texas Health and Safety Code, §382.085(b) and 30 TAC §111.201, by causing, suffering, allowing, or permitting outdoor burning within the State of Texas; PENALTY: \$7,896; STAFF ATTORNEY: Alexander Kepczyk, Litigation, MC 175, (512) 239-3992; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-202403118

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: July 16, 2024



Notice of Opportunity to Comment on a Shutdown/Default Order of an Administrative Enforcement Action

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Shutdown/Default Order (S/DO). Texas Water Code (TWC), §26.3475, authorizes the commission to order the shutdown of any underground storage tank (UST) system found to be noncompliant with release detection, spill and overflow prevention, and/or, after December 22, 1998, cathodic protection regulations of the commission, until such time as the owner/operator brings the UST system into compliance with those regulations. The commission proposes a Shutdown Order after the owner or operator of a UST facility fails to perform required corrective actions within 30 days after receiving notice of the release detection, spill, and overflow prevention, and/or after December 22, 1998, cathodic protection violations documented at the facility. The commission proposes a Default Order when the staff has sent an Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations, the proposed penalty, the proposed technical requirements necessary to bring the entity back into compliance, and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. In accordance with TWC, §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **August 26, 2024**. The commission will consider any written comments received and the commission may withdraw or withhold approval of an S/DO if a comment discloses facts or considerations that indicate that consent to the proposed S/DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed S/DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed S/DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the S/DO shall be sent to the attorney designated for the S/DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas

78711-3087 and must be **received by 5:00 p.m. on August 26, 2024**. The commission's attorney is available to discuss the S/DO and/or the comment procedure at the listed phone number; however, comments on the S/DO shall be submitted to the commission in **writing**.

(1) COMPANY: A DEEL'S BUSINESS INC.; DOCKET NUMBER: 2022-0936-PST-E; TCEQ ID NUMBER: RN101754612; LOCATION: 3403 South Chestnut Street, Lufkin, Angelina County; TYPE OF FACILITY: UST system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A) and §334.54(c)(1), by failing to monitor a temporarily out-of-service UST system for releases; 30 TAC §37.815(a) and (b) and §334.54(e)(5), by failing to provide financial assurance or conduct a site check and perform any necessary corrective actions for a temporarily out-of-service UST system in order to meet financial assurance exemption requirements; TWC, §26.3475(d) and 30 TAC §334.49(c)(4)(C) and §334.54(b)(3), by failing to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years; and 30 TAC §334.605(a), by failing to re-train the certified Class A and B operator within three years of the last training date; PENALTY: \$5,836; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202403116

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: July 16, 2024



Notice of Opportunity to Comment on an Agreed Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Order (AO) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AO, the commission shall allow the public an opportunity to submit written comments on the proposed AO. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **August 26, 2024**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of the proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on August 26, 2024**. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Eagle Railcar Services - Channelview, Texas, LLC; DOCKET NUMBER: 2021-0762-AIR-E; TCEQ ID NUMBER: RN100683002; LOCATION: 407 West Brentwood Street, Channelview, Harris County; TYPE OF FACILITY: railcar maintenance service site; RULES VIOLATED: Texas Health and Safety Code, §382.085(b), 30 TAC §122.143(4) and §122.146(2), and Federal Operating Permit Number O3238, General Terms and Conditions and Special Terms and Conditions Number 9, by failing to submit a permit compliance certification within 30 days of any certification period; PENALTY: \$4,500; STAFF ATTORNEY: Jennifer Peltier, Litigation, MC 175, (512) 239-0544; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-202403117

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: July 16, 2024



Notice of Public Meeting for an Air Quality Standard Permit for Permanent Rock and Concrete Crushers Proposed Air Quality Registration Number 174419

APPLICATION. Julpit Inc., 1020 West Loop N, Houston, Texas 77055-7255 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit, Registration Number 174419, which would authorize construction of a permanent rock and concrete crusher. The facility is proposed to be located at from the intersection of Texas Highway 6 and farm to Market Road 521, go south on Farm to Market Road 521 for approximately 3.8 miles and turn right onto the site, Juliff, Fort Bend County, Texas 77583. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://gisweb.tceq.texas.gov/LocationMapper/?marker=-95.479555,29.453962&level=13>. This application was submitted to the TCEQ on October 25, 2023. The executive director has determined the application was technically complete on November 24, 2023.

PUBLIC COMMENT/PUBLIC MEETING. You may submit public comments to the Office of the Chief Clerk at the address below. The TCEQ will consider all public comments in developing a final decision on the application. A public meeting will be held and will consist of two parts, an Informal Discussion Period and a Formal Comment Period. A public meeting is not a contested case hearing under the Administrative Procedure Act. During the Informal Discussion Period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The comments and questions submitted orally during the Informal Discussion Period will not be considered before a decision is reached on the permit application, and no formal response will be made. Responses will be provided orally during the Informal Discussion Period. During the Formal Comment Period on the permit application, members of the public may state their formal comments orally into the official record. At the conclusion of the comment period, all formal comments will be considered before a decision is reached on the permit application. A written response to all formal comments will be prepared by the executive director and will be sent to each person who submits a formal comment or who requested to be on the mailing list for this permit application and provides a mailing address.

The Public Meeting is to be held:

Tuesday, August 20, 2024 at 7:00 p.m.

Restoration City Life Center (Auditorium)

7620 FM-521

Rosharon, Texas 77583

INFORMATION. Members of the public are encouraged to submit written comments anytime during the public meeting or by mail before the close of the public comment period to the Office of the Chief Clerk, TCEQ, Mail Code MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/>. If you need more information about the permit application or the permitting process, please call the TCEQ Public Education Program, toll free, at (800) 687-4040. General information can be found at our Website at www.tceq.texas.gov. *Si desea información en español, puede llamar al (800) 687-4040.*

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database (CID) at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the link, enter the permit number at the top of this form.

The executive director shall approve or deny the application not later than 30 days after the end of the public comment period, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

CENTRAL/REGIONAL OFFICE. The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Houston Regional Office, located at 5425 Polk St Ste H, Houston, Texas 77023-1452, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

Further information may also be obtained from Julpit Inc., 1020 West Loop N, Houston, Texas 77055-7255, or by calling Mr. Edgar Olivares, Project Manger at (713) 427-1076.

Persons with disabilities who need special accommodations at the meeting should call the Office of the Chief Clerk at (512) 239-3300 or (800)-RELAY-TX (TDD) at least five business days prior to the meeting.

Notice Issuance Date: July 16, 2024

TRD-202403145

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 17, 2024



Texas Ethics Commission

List of Delinquent Filers

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file the report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact Dave Guilianelli at (512) 463-5800.

Deadline: Lobby Activities Report due April 10, 2024

#00085213 - Jessica Colon, 7941 Katy Freeway, Suite 108, Houston, Texas 77024

#00039980 - Dean R. McWilliams, 316 W 12th St., 5th Floor, Austin, Texas 78701

#00059190 - Kelly McBeth, P.O. Box 5100, Austin, Texas 78763

Deadline: Lobby Activities Report due May 10, 2024

#00070475 - Colin Parrish, 1122 Colorado Street, Suite 320, Austin, Texas 78701

#00081373 - Tyler Schroeder, 375 Airlift Dr.2nd Floor - C43, San Antonio, Texas 78226

#00055191 - Harold Oliver, 327 Twisted Wood Dr, San Antonio, Texas 78216

#00070441 - Carrie Simmons, 1122 Colorado St., Suite 2323, Austin, Texas 78701

#00087283 - Emily W. Taylor, 17225 El Camino Real, Suite. 310, Houston, Texas 77058

#00087645 - Moises Murillo, 700 Milam Street, Suite 1900, Houston, Texas 77002

#00065060 - Peter John Slover, 2700 Via Fortuna, Suite 500, Austin, Texas 78746

Deadline: Lobby Activities Report due June 10, 2024

#00087246 - David W. Thompson, Jr., 2401 East 6th St., #1014, Austin, Texas 78702

#00083313 - Lindsay Lanagan, 1415 California St., Houston, Texas 77006

#00070715 - Daniel P. Posey, 2401 South 31st Street, MS-20-D642, Temple, Texas 76058

#00068846 - Drew Lawson, P.O. Box 782, Austin, Texas 78767

#00082120 - Chandler Ludwick, 1220 Colorado St., Suite 200, Austin, Texas 78701

#00061370 - Doyle R. Pendleton, Jr., 4520 Spicewood Springs Rd, Austin, Texas 78759

#00083286 - Elliott Griffin, 151 Atwater Cove, Austin, Texas 78737

#00067017 - Perry L. Fowler, 1812 Morrow Street, Austin, Texas 78757

#00013729 - Arthur V. Perkins, 1980 Post Oak Blvd, Suite 1380, Houston, Texas 77056

#00065060 - Peter John Slover, 2700 Via Fortuna, Suite 500, Austin, Texas 78746

#00033614 - Bill Jones, 111 Congress Avenue, Suite 500, Austin, Texas 78701

TRD-202403046

Aidan Shaughnessy
Program Supervisor
Texas Ethics Commission
Filed: July 11, 2024

General Land Office

Notice of Public Hearing and Extension of Comment Period

Public hearing to receive comments from interested persons concerning the amended rule proposed under Texas Natural Resources Code §§33.602, 33.607, 61.011, 61.015(b), 61.022 (b) & (c), 63.091, and 63.121, which provides the General Land Office with the authority to

promulgate and adopt rules consistent with the Act governing its administration, including a rule relating to the Certification Status of the City of Galveston Dune Protection and Beach Access Plan, will be held on August 6, 2024, from 1 p.m. to 3 p.m., at 823 Rosenberg, 2nd Floor, Galveston, Texas. The proposed amended rule, 31 TAC §15.36, was published in the June 7, 2024, issue of the *Texas Register*. Any interested person may appear and offer comments or statements, either orally or in writing; however, questioning of commenters will be reserved exclusively to the General Land Office and the City of Galveston, or their staff, as may be necessary to ensure a complete record. While any person with pertinent comments or statements will be granted an opportunity to present them during the course of the hearing, the General Land Office reserves the right to restrict statements in terms of time or repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views or similar comments through a representative member when possible. Persons with disabilities who have special needs and who plan to attend the meeting should contact Mr. Walter Talley, Texas Register Liaison, Texas General Land Office, at walter.talley@glo.texas.gov. The public comment period for the proposed amendment of 31 TAC §15.36 is extended until the conclusion of the public hearing.

TRD-202403048

Jennifer Jones
Chief Clerk, Deputy Land Commissioner
General Land Office
Filed: July 11, 2024

Texas Lottery Commission

Scratch Ticket Game Number 2593 "\$5,000 LUCKY 7s"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2593 is "\$5,000 LUCKY 7s". The play style is "find symbol".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2593 shall be \$1.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2593.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 7 SYMBOL, 77 SYMBOL, 777 SYMBOL, \$1.00, \$2.00, \$3.00, \$5.00, \$9.00, \$10.00, \$15.00, \$20.00, \$30.00, \$90.00 and \$5,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2593 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
7 SYMBOL	WIN\$
77 SYMBOL	DBL
777 SYMBOL	TRP
\$1.00	ONE\$
\$2.00	TWO\$
\$3.00	THR\$
\$5.00	FIV\$
\$9.00	NIN\$
\$10.00	TEN\$
\$15.00	FFN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$90.00	NITY\$
\$5,000	FVTH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The

Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2593), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 150 within each Pack. The format will be: 2593-0000001-001.

H. Pack - A Pack of the "\$5,000 LUCKY 7s" Scratch Ticket Game contains 150 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of five (5). Tickets 001 to 005 will be on the top page; Tickets 006 to 010 on the next page; etc.; and Tickets 146 to 150 will be on the last page with backs exposed. Ticket 001 will be folded over so the front of Ticket 001 and 010 will be exposed.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "\$5,000 LUCKY 7s" Scratch Ticket Game No. 2593.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$5,000 LUCKY 7s" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose eight (8) Play Symbols. If the player reveals a "7" Play Symbol, the player wins the PRIZE for that symbol. If the player reveals a "77" Play Symbol, the player wins DOUBLE the PRIZE for that symbol. If the player reveals a "777" Play Symbol, the player wins TRIPLE the PRIZE for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly eight (8) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly eight (8) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the eight (8) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the eight (8) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. FIND: No prize amount in a non-winning spot will correspond with the Play Symbol (i.e., 01 and \$1).

D. FIND: A non-winning Prize Symbol will never match a winning Prize Symbol.

E. FIND: There will be no matching non-winning Prize Symbols on a Ticket.

F. FIND: The "77" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

G. FIND: The "777" (TRP) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

H. FIND: There will be no matching non-winning Play Symbols on a Ticket.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$5,000 LUCKY 7s" Scratch Ticket Game prize of \$1.00, \$2.00, \$3.00, \$5.00, \$9.00, \$10.00, \$15.00, \$20.00, \$30.00 or \$90.00, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00 or \$90.00 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$5,000 LUCKY 7s" Scratch Ticket Game prize of \$5,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "\$5,000 LUCKY 7s" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
 2. in default on a loan made under Chapter 52, Education Code;
 3. in default on a loan guaranteed under Chapter 57, Education Code;
- or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$5,000 LUCKY 7s" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "\$5,000 LUCKY 7s" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 9,000,000 Scratch Tickets in Scratch Ticket Game No. 2593. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2593 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$1.00	900,000	10.00
\$2.00	555,000	16.22
\$3.00	75,000	120.00
\$5.00	135,000	66.67
\$9.00	30,000	300.00
\$10.00	45,000	200.00
\$15.00	30,000	300.00
\$20.00	30,000	300.00
\$30.00	13,500	666.67
\$90.00	3,000	3,000.00
\$5,000	10	900,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.95. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2593 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2593, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202403140
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: July 17, 2024



Scratch Ticket Game Number 2594 "\$200,000 LUCKY 7s"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2594 is "\$200,000 LUCKY 7s". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2594 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2594.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23,

24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 7 SYMBOL, 77 SYMBOL, 777 SYMBOL, \$5.00, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$300, \$500, \$1,000, \$5,000 and \$200,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears

under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2594 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
28	TWET
29	TWNI
30	TRTY

31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
38	TRET
39	TRNI
40	FRTY
7 SYMBOL	WIN\$
77 SYMBOL	DBL
777 SYMBOL	TRP
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$300	THHN
\$500	FVHN
\$1,000	ONTH
\$5,000	FVTH
\$200,000	200TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2594), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2594-0000001-001.

H. Pack - A Pack of the "\$200,000 LUCKY 7s" Scratch Ticket Game contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "\$200,000 LUCKY 7s" Scratch Ticket Game No. 2594.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$200,000 LUCKY 7s" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose fifty-five (55) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the PRIZE for that number. If the player reveals a "7" Play Symbol, the player wins the PRIZE for that symbol instantly. If the player reveals a "77" Play Symbol, the player wins DOUBLE the PRIZE for that symbol. If the player reveals a "777" Play Symbol, the player wins TRIPLE the PRIZE for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly fifty-five (55) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly fifty-five (55) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the fifty-five (55) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the fifty-five (55) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 05 and \$5).

D. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. KEY NUMBER MATCH: A Ticket may have up to three (3) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "77" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. KEY NUMBER MATCH: The "777" (TRP) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

J. KEY NUMBER MATCH: The "7" (WIN\$) Play Symbol may appear multiple times on winning Tickets, unless restricted by other parameters, play action or prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$200,000 LUCKY 7s" Scratch Ticket Game prize of \$5.00, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$300 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$100, \$300 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$200,000 LUCKY 7s" Scratch Ticket Game prize of \$1,000, \$5,000 or \$200,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "\$200,000 LUCKY 7s" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$200,000 LUCKY 7s" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "\$200,000 LUCKY 7s" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 11,040,000 Scratch Tickets in Scratch Ticket Game No. 2594. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2594 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$5.00	1,104,000	10.00
\$10.00	920,000	12.00
\$20.00	294,400	37.50
\$30.00	147,200	75.00
\$50.00	125,120	88.24
\$100	32,660	338.03
\$300	4,600	2,400.00
\$500	1,380	8,000.00
\$1,000	100	110,400.00
\$5,000	10	1,104,000.00
\$200,000	4	2,760,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.20. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2594 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2594, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202403141
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: July 17, 2024



Scratch Ticket Game Number 2595 "\$500,000 LUCKY 7s"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2595 is "\$500,000 LUCKY 7s". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2595 shall be \$10.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2595.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 7 SYMBOL, 77 SYMBOL, 777 SYMBOL, \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200, \$500, \$1,000, \$10,000, \$50,000 and \$500,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears

under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2595 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
28	TWET
29	TWNI
30	TRTY
31	TRON

32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
48	FRET
49	FRNI
50	FFTY
7 SYMBOL	WIN\$
77 SYMBOL	DBL
777 SYMBOL	TRP
\$10.00	TEN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$10,000	10TH
\$50,000	50TH
\$500,000	500TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The

Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2595), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 2595-0000001-001.

H. Pack - A Pack of the "\$500,000 LUCKY 7s" Scratch Ticket Game contains 050 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket back 001 and 050 will both be exposed.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "\$500,000 LUCKY 7s" Scratch Ticket Game No. 2595.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$500,000 LUCKY 7s" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-six (66) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the PRIZE for that number. If the player reveals a "7" symbol, the player wins the PRIZE for that symbol instantly. If the player reveals a "77" symbol, the player wins DOUBLE the PRIZE for that symbol. If the player reveals a "777" symbol, the player wins TRIPLE the PRIZE for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly sixty-six (66) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly sixty-six (66) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the sixty-six (66) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the sixty-six (66) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 10 and \$10).

D. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. KEY NUMBER MATCH: A Ticket may have up to six (6) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "77" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. KEY NUMBER MATCH: The "777" (TRP) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

J. KEY NUMBER MATCH: The "7" (WIN\$) Play Symbol may appear multiple times on winning Tickets, unless restricted by other parameters, play action or prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$500,000 LUCKY 7s" Scratch Ticket Game prize of \$10.00, \$20.00, \$30.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$500,000 LUCKY 7s" Scratch Ticket Game prize of \$1,000, \$10,000, \$50,000 or \$500,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "\$500,000 LUCKY 7s" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$500,000 LUCKY 7s" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "\$500,000 LUCKY 7s" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the

Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 8,040,000 Scratch Tickets in Scratch Ticket Game No. 2595. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2595 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$10.00	804,000	10.00
\$20.00	562,800	14.29
\$30.00	321,600	25.00
\$50.00	160,800	50.00
\$100	110,483	72.77
\$200	22,177	362.54
\$500	1,675	4,800.00
\$1,000	201	40,000.00
\$10,000	8	1,005,000.00
\$50,000	4	2,010,000.00
\$500,000	5	1,608,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.05. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2595 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2595, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202403142

Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: July 17, 2024



Scratch Ticket Game Number 2596 "\$1,000,000 LUCKY 7s"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2596 is "\$1,000,000 LUCKY 7s". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2596 shall be \$20.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2596.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 7 SYMBOL, 77

SYMBOL, 777 SYMBOL, \$20.00, \$30.00, \$50.00, \$100, \$200, \$500, \$3,000, \$20,000, \$100,000 and \$1,000,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2596 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
28	TWET
29	TWNI
30	TRTY

31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
7 SYMBOL	WIN\$
77 SYMBOL	DBL
777 SYMBOL	TRP
\$20.00	TWY\$
\$30.00	TRTY\$
\$50.00	FFTY\$
\$100	ONHN

\$200	TOHN
\$500	FVHN
\$3,000	THTH
\$20,000	20TH
\$100,000	100TH
\$1,000,000	TPPZ

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2596), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 025 within each Pack. The format will be: 2596-0000001-001.

H. Pack - A Pack of the "\$1,000,000 LUCKY 7s" Scratch Ticket Game contains 025 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 025 while the other fold will show the back of Ticket 001 and front of 025.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "\$1,000,000 LUCKY 7s" Scratch Ticket Game No. 2596.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "\$1,000,000 LUCKY 7s" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose seventy-six (76) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the PRIZE for that number. If the player reveals a "7" symbol, the player wins the PRIZE for that symbol instantly. If the player reveals a "77" symbol, the player wins DOUBLE the PRIZE for that symbol. If the player reveals a "777" symbol, the player wins TRIPLE the PRIZE for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly seventy-six (76) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly seventy-six (76) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;
14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;
15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the seventy-six (76) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the seventy-six (76) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 20 and \$20).

D. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. KEY NUMBER MATCH: A Ticket may have up to six (6) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "77" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. KEY NUMBER MATCH: The "777" (TRP) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

J. KEY NUMBER MATCH: The "7" (WINS) Play Symbol may appear multiple times on winning Tickets, unless restricted by other parameters, play action or prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "\$1,000,000 LUCKY 7s" Scratch Ticket Game prize of \$20.00, \$30.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "\$1,000,000 LUCKY 7s" Scratch Ticket Game prize of \$3,000, \$20,000, \$100,000 or \$1,000,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "\$1,000,000 LUCKY 7s" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "\$1,000,000 LUCKY 7s" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "\$1,000,000 LUCKY 7s" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes

available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 5,040,000 Scratch Tickets in Scratch Ticket Game No. 2596. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2596 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$20.00	604,800	8.33
\$30.00	252,000	20.00
\$50.00	403,200	12.50
\$100	147,000	34.29
\$200	70,350	71.64
\$500	2,940	1,714.29
\$3,000	252	20,000.00
\$20,000	20	252,000.00
\$100,000	5	1,008,000.00
\$1,000,000	4	1,260,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.40. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2596 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2596, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202403143
Bob Biard
General Counsel
Texas Lottery Commission
Filed: July 17, 2024



Scratch Ticket Game Number 2597 "SPICY 9s"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2597 is "SPICY 9s". The play style is "slots - straight line".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2597 shall be \$2.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2597.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: STAR SYMBOL, CHERRY SYMBOL, HEART SYMBOL, MOON SYMBOL, DIAMOND SYMBOL, LEMON SYMBOL, TACOS SYMBOL, COIN SYMBOL, BANANA SYMBOL, CLUB SYMBOL, RAINBOW SYMBOL, MELON SYMBOL, SUN SYMBOL, BAR SYMBOL, HORSESHOE SYMBOL, NACHOS SYMBOL, SAUCE SYMBOL, BOLT SYMBOL, GARLIC SYMBOL, CASH SYMBOL, SPADE SYMBOL, FIRE SYMBOL, PINEAPPLE SYMBOL, 9 SYMBOL, \$2.00, \$3.00, \$6.00, \$10.00, \$20.00, \$30.00, \$60.00, \$100, \$1,000 and \$30,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2597 - 1.2D

PLAY SYMBOL	CAPTION
STAR SYMBOL	STAR
CHERRY SYMBOL	CHERRY
HEART SYMBOL	HEART
MOON SYMBOL	MOON
DIAMOND SYMBOL	DIAMND
LEMON SYMBOL	LEMON
TACOS SYMBOL	TACOS
COIN SYMBOL	COIN
BANANA SYMBOL	BANANA
CLUB SYMBOL	CLUB
RAINBOW SYMBOL	RAINBW
MELON SYMBOL	MELON
SUN SYMBOL	SUN
BAR SYMBOL	BAR
HORSESHOE SYMBOL	HRSHOE
NACHOS SYMBOL	NACHOS
SAUCE SYMBOL	SAUCE
BOLT SYMBOL	BOLT
GARLIC SYMBOL	GARLIC
CASH SYMBOL	CASH
SPADE SYMBOL	SPADE
FIRE SYMBOL	FIRE
PINEAPPLE SYMBOL	PNAPLE
9 SYMBOL	TRP
\$2.00	TWO\$
\$3.00	THR\$
\$6.00	SIX\$

\$10.00	TEN\$
\$20.00	TWY\$
\$30.00	TRTY\$
\$60.00	SXTY\$
\$100	ONHN
\$1,000	ONTH
\$30,000	30TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2597), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 125 within each Pack. The format will be: 2597-0000001-001.

H. Pack - A Pack of the "SPICY 9s" Scratch Ticket Game contains 125 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of two (2). One Ticket will be folded over to expose a front and back of one Ticket on each Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "SPICY 9s" Scratch Ticket Game No. 2597.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "SPICY 9s" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose forty (40) Play Symbols. If a player reveals 3 matching Play Symbols in the same ROW, the player wins the PRIZE for that ROW. If the player reveals 3 "9" Play Symbols in the same ROW, the player wins TRIPLE the PRIZE for that ROW. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly forty (40) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly forty (40) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;
14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;
15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;
16. Each of the forty (40) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the forty (40) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

B. A Ticket can win as indicated by the prize structure.

C. A Ticket can win up to ten (10) times, one (1) time in each ROW.

D. On winning and Non-Winning Tickets, the top cash prizes of \$1,000 and \$30,000 will each appear at least one (1) time, except on Tickets winning ten (10) times, with respect to other parameters, play action or prize structure.

E. The play area consists of ten (10) ROWs with three (3) Play Symbols and one (1) Prize Symbol per ROW.

F. Non-winning Prize Symbols will not match a winning Prize Symbol on a Ticket.

G. On all ROWs, non-winning Prize Symbols will be different.

H. There will never be three (3) matching Play Symbols in a vertical or diagonal line.

I. On non-winning ROWs, a Play Symbol will never appear more than two (2) times in a ROW.

J. Consecutive Non-Winning Tickets within a Pack will not have matching ROWs. For example, if the first Ticket contains a "LEMON" Play Symbol, "BANANA" Play Symbol and a "STAR" Play Symbol in a ROW, the next Ticket will not contain a "LEMON" Play Symbol, "BANANA" Play Symbol and a "STAR" Play Symbol in any ROW in any order.

K. Winning and Non-Winning Tickets will not have matching ROWs. For example, if ROW 1 is a "LEMON" Play Symbol, "BANANA" Play Symbol and a "STAR" Play Symbol, then ROW 2 - ROW 10 will not contain a "LEMON" Play Symbol, "BANANA" Play Symbol and a "STAR" Play Symbol in any order.

L. Winning ROWs will contain three (3) matching Play Symbols in a horizontal ROW.

M. Three (3) matching "9" (TRP) Play Symbols in the same ROW will win TRIPLE the PRIZE for that ROW and will win as per the prize structure.

N. There will never be more than one (1) set of three (3) matching "9" (TRP) Play Symbols in the same ROW on a Ticket.

O. The "9" (TRP) Play Symbol will never appear on a non-winning ROW i.e., "9" (TRP) Play Symbols will only appear in a set of three (3) in the same winning ROW.

2.3 Procedure for Claiming Prizes.

A. To claim a "SPICY 9s" Scratch Ticket Game prize of \$2.00, \$3.00, \$6.00, \$10.00, \$20.00, \$30.00, \$60.00 or \$100, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$30.00, \$60.00 or \$100 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "SPICY 9s" Scratch Ticket Game prize of \$1,000 or \$30,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "SPICY 9s" Scratch Ticket Game prize the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "SPICY 9s" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "SPICY 9s" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a

prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 9,120,000 Scratch Tickets in Scratch Ticket Game No. 2597. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2597 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$2.00	1,036,032	8.80
\$3.00	525,312	17.36
\$6.00	452,352	20.16
\$10.00	131,328	69.44
\$20.00	72,960	125.00
\$30.00	31,350	290.91
\$60.00	13,490	676.06
\$100	7,752	1,176.47
\$1,000	16	570,000.00
\$30,000	6	1,520,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.02. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2597 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2597, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202403107
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: July 15, 2024

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North Central Texas Council of Governments

Request for Proposals for Youth Safety

The North Central Texas Council of Governments (NCTCOG) is requesting written proposals from vendors to provide innovative safety projects and programs to reduce youth fatalities due to motor vehicle crashes.

Proposals must be received no later than 5:00 p.m., Central Time, on **Friday, August 23, 2024**, to Natalie Bettger, Senior Program Manager, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011 and electronic submissions to TransRFPs@nctcog.org. The Request for Proposals will be available at www.nctcog.org/rfp by the close of business on **Friday, July 26, 2024**.

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-202403126
 R. Michael Eastland
 Executive Director
 North Central Texas Council of Governments
 Filed: July 17, 2024

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Panhandle Regional Planning Commission

Legal Notice

The Panhandle Regional Planning Commission (PRPC) is seeking proposals from qualified organizations with demonstrated competence,

knowledge, qualifications, successful performance, and reasonable fees to provide fiscal monitoring services for the workforce development programs administered in the Panhandle Workforce Development Area (PWDA). The purpose of this solicitation is to enable PRPC to evaluate and select an entity capable of performing these services and to enter into negotiation for a contract at a fair and reasonable price.

Interested proposers may obtain a copy of the solicitation packet by contacting Leslie Hardin, at (806) 372-3381/(800) 477-4562 or LHardin@theprpc.org. The proposals must be submitted to PRPC no later than August 12, 2024.

TRD-202403125

Leslie Hardin

Workforce Development Program Manager

Panhandle Regional Planning Commission

Filed: July 16, 2024

Texas Parks and Wildlife Department

Notice of Proposed Real Estate Actions

Acquisition of Land - Gillespie County

Approximately 630 Acres at Enchanted Rock State Natural Area

In a meeting on August 22, 2024, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 630 acres at Enchanted Rock State Natural Area. The public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Trey Vick, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to Real.Estate.Comment@tpwd.texas.gov, or via the department's website at www.tpwd.texas.gov. Visit the TPWD website at tpwd.texas.gov for the latest information regarding the Commission meeting.

Acceptance of Donation and Expansion of Coastal Management Area (CMA) Boundary

Brazoria County

Approximately 33.616 Acres at the Follets Island CMA

In a meeting on August 22, 2024, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing an acceptance of donation of approximately 33.616 acres for addition to the Coastal Management Area (CMA), and the expansion of the CMA project boundary. The public will have an opportunity to comment on the proposed transaction and the proposed project boundary expansion before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Stan David, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to Real.Estate.Comment@tpwd.texas.gov, or via the department's website at www.tpwd.texas.gov. Visit the TPWD website at tpwd.texas.gov for the latest information regarding the Commission meeting.

Grant of Pipeline Easement - Jefferson County

Approximately 3 Acres at the J.D. Murphree Wildlife Management Area

In a meeting on August 22, 2024, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing a grant of pipeline easement of approximately 3 acres at the J.D. Murphree Wildlife Management Area. The public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Stan David, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to Real.Estate.Comment@tpwd.texas.gov, or via the department's website at www.tpwd.texas.gov. Visit the TPWD website at tpwd.texas.gov for the latest information regarding the Commission meeting.

TRD-202403047

James Murphy

General Counsel

Texas Parks and Wildlife Department

Filed: July 11, 2024

Public Utility Commission of Texas

Notice of Application for Designation as an Eligible Telecommunications Carrier

Notice is given to the public of an application filed with the Public Utility Commission of Texas on July 15, 2024, for designation as an eligible telecommunications carrier (ETC) in the State of Texas under 47 U.S.C. § 214(e) and 16 Texas Administrative Code §26.418 on July 15, 2024.

Docket Title and Number: Application of GO MD USA LLC for Designation as an Eligible Telecommunications Carrier, Docket Number 56820.

The Application: GO MD USA LLC seeks an eligible telecommunications carrier designation for the limited purpose of providing life-line-only service throughout the state of Texas in those zip codes included in exhibit 3 to its application. GO MD USA LLC seeks to provide such service under the brand name GO MD USA Mobile.

Persons who wish to file a motion to intervene or comments on the application should contact the commission as an intervention deadline will be imposed. A comment or request to intervene should be mailed to P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 56820.

TRD-202403129

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Filed: July 17, 2024

Regional Water Planning Group - Area B

Public Notice Solicitation for Nominations

The Regional Water Planning Group - Area B (RWPG-B) was created by the Texas Legislature in 1997 to coordinate with the Texas Water Development Board and 15 other regional planning groups to prepare for the state's future water needs. Region B includes the following counties: Archer, Baylor, Clay, Cottle, Foard, Hardeman, King, Montague, Wichita, Wilbarger, and the part of Young County that encompasses the

City of Olney. The RWPG-B works with a technical consultant team to provide comprehensive regional water planning which includes the development of a 50-year regional water plan that identifies both short and long-term water supply needs and recommends water management strategies for addressing those needs.

Notice is hereby given that the Regional Water Planning Group - Area B is soliciting nominations for the following Interest Group vacancies:

Agricultural - Term expires August 31, 2028

River Authorities - Term expires August 31, 2028

To qualify for voting membership on the RWPG-B, nominees must represent the interest group category for which a member is sought within the Region B planning area, be willing to participate in the regional water planning process, and abide by the Bylaws of the planning group.

Nominations for the interest group categories listed above may be submitted to the administrative agency - Red River Authority of Texas, Attention: Stacey Green, P.O. Box 240, Wichita Falls, Texas 76307-0240, or emailed to rwpg-b@rra.texas.gov. Nominations should include nominee's name and contact information along with a resume and/or cover letter detailing their interest/qualifications. Nominations must be received or postmarked by Friday, August 23, 2024. Consideration of nominations and voting will take place during the RWPG-B Public Meeting tentatively scheduled for Wednesday, September 25, 2024.

For additional information, please contact Ms. Stacey Green at (940) 723-2236.

TRD-202403124

Kyle Miller
Chair

Regional Water Planning Group - Area B

Filed: July 16, 2024



Texas Department of Transportation

Public Notice - Photographic Traffic Signal Enforcement
Systems: Municipal Reporting of Traffic Crashes

The Texas Department of Transportation (department) is requesting that each municipality subject to the requirements of Transportation Code §707.004(d) provide the required data to the department **no later than October 25, 2024** in order for the department to meet the deadline for an annual report mandated by the Texas Legislature.

Pursuant to Section 7 of House Bill 1631, 86th Legislature, Regular Session, municipalities meeting certain criteria may continue to operate photographic traffic signal enforcement systems. Pursuant to Transportation Code §707.004(d), each such municipality must continue to compile and submit to the department annual reports after installation showing the number and type of crashes that have occurred at the intersection.

Those municipalities that do not meet the criteria contained in Section 7 of House Bill 1631, 86th Legislature, Regular Session can no longer implement or operate photographic traffic enforcement systems with respect to highways or streets under their jurisdiction.

The department is required by Transportation Code §707.004 to produce an annual report of the information submitted to the department by December 1 of each year.

The department has created a web page detailing municipal reporting requirements and to allow the required data to be submitted electronically:

<https://www.txdot.gov/safety/traffic-signs-signals/red-light-cameras/annual-reports.html>

For additional information contact the Texas Department of Transportation, Traffic Operations Division, 125 East 11th Street, Austin, Texas 78701-2483 or call (512) 416-3260.

TRD-202403045

Angie Parker
Senior General Counsel
Texas Department of Transportation

Filed: July 10, 2024



How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 24 of Volume 49 (2024) is cited as follows: 49 TexReg 24.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “49 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 49 TexReg 3.”

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <http://www.sos.state.tx.us>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
26. Health and Human Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §27.15: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION Part 4. Office of the Secretary of State Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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