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# TEXAS REGISTER

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# TEXAS REGISTER

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# THE GOVERNOR

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

## Appointments

### Appointments for April 7, 2022

Appointed to the Advisory Council on Emergency Medical Services for a term to expire January 1, 2026, Peter W. "Pete" Marocco of Dallas, Texas (replacing Darrin R. "Rudy" Rudolph of Longview, who resigned).

Appointed to the Advisory Council on Emergency Medical Services for a term to expire January 1, 2028, Jeffrey H. "Jeff" Barnhart of Canyon, Texas (Mr. Barnhart is being reappointed).

Appointed to the Advisory Council on Emergency Medical Services for a term to expire January 1, 2028, Billy S. "Scott" Lail of Glen Rose, Texas (replacing Robert W Isbell, Jr. of Midland, whose term expired).

Appointed to the Advisory Council on Emergency Medical Services for a term to expire January 1, 2028, Ruben A. Martinez, Jr. of Concepcion, Texas (Mr. Martinez is being reappointed).

Appointed to the Advisory Council on Emergency Medical Services for a term to expire January 1, 2028, Ryan P. Matthews of Holliday, Texas (Mr. Matthews is being reappointed).

Appointed to the Advisory Council on Emergency Medical Services for a term to expire January 1, 2028, Daniel "Danny" Ramirez of San Juan, Texas (replacing Dudley D. Wait of Schertz, whose term expired).

Appointed to the Advisory Council on Emergency Medical Services for a term to expire January 1, 2028, Katherine E. "Kate" Remick, M.D. of Austin, Texas (replacing Robert M "Bob" Vezzetti, M.D. of Austin, whose term expired).

### Appointments for April 11, 2022

Appointed as Presiding Judge of the First Administrative Judicial Region for a term to expire four years from the date of qualification, Raymond G. "Ray" Wheless of McKinney, Texas (Judge Wheless is being reappointed).

Appointed as Presiding Judge of the Eleventh Administrative Judicial Region for a term to expire four years from the date of qualification, Susan B. Brown of Houston, Texas (Judge Brown is being reappointed).

Greg Abbott, Governor

TRD-202201402



### Proclamation 41-3896

#### TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on March 18, 2022, as amended on March 21 and March 27, 2022, certifying that wildfires that began on February 23, 2022, posed an imminent threat of widespread or severe damage, injury, or loss of life or property in Blanco, Brooks, Brown, Coleman, Comanche, Eastland, Erath, Grayson, Hood, Mason, Medina, Potter,

Randall, Runnels, Starr, and Williamson counties. Those same conditions continue to exist in these and other counties in Texas.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend the aforementioned proclamation and declare a disaster in Andrews, Aransas, Archer, Bee, Bell, Borden, Bosque, Brewster, Cameron, Coke, Concho, Cooke, Crane, Crockett, Culberson, Dawson, Dimmit, Duval, Ector, Edwards, Gaines, Garza, Hemphill, Hidalgo, Howard, Hudspeth, Jeff Davis, Jim Hogg, Jim Wells, Kenedy, Kimble, Kleberg, Live Oak, Martin, Maverick, McCulloch, Menard, Midland, Nueces, Palo Pinto, Parker, Pecos, Presidio, Reagan, Real, Refugio, Roberts, Terrell, Tom Green, Upton, Wichita, Willacy, Winkler, Wise, Zapata, and Zavala counties.

Pursuant to Section 418.017 of the code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 1st day of April, 2022.

Greg Abbott, Governor

TRD-202201290



### Proclamation 41-3897

#### TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the resignation of the Honorable Filemon B. Vela, and its acceptance, has caused a vacancy in the U.S. House of Representatives for the 34th Congressional District of Texas, which consists of all or parts of Bee, Cameron, DeWitt, Goliad, Gonzales, Hidalgo, Jim Wells, Kenedy, Kleberg, San Patricio, and Willacy counties; and

WHEREAS, Article I, Section 2, of the U.S. Constitution and Section 204.021 of the Texas Election Code require that a special election be ordered upon such a vacancy, and Title 2, Section 8, of the U.S. Code requires that the date of such election be as prescribed by state law; and

WHEREAS, Section 3.003(a)(3) of the Texas Election Code requires the special election to be ordered by proclamation of the Governor; and

WHEREAS, Section 203.004(a) of the Texas Election Code provides that the special election must be held on the first uniform date occurring on or after the 36th day after the date the special election is ordered unless there is an emergency requiring that the vacancy be filled sooner; and

WHEREAS, pursuant to Section 41.001 of the Texas Election Code, the only viable uniform election date remaining in 2022 is November 8; and

WHEREAS, should a special election on November 8, 2022, result in a runoff, the earliest possible date for that runoff election would be in January 2023, by which point the new term for Congressional District 34 would have already begun; and

WHEREAS, the timeline established by the aforementioned laws would leave Congressional District 34 without representation in the U.S. House of Representatives for the remainder of 2022, or the bulk thereof; and

WHEREAS, all counties contained within this district remain under either the Governor's disaster declarations related to the novel coronavirus (COVID-19) or the surge of individuals unlawfully crossing the Texas-Mexico border, and it is imperative to fill this vacancy to ensure that Congressional District 34 is fully represented as soon as possible; and

WHEREAS, hurricane relief efforts depend heavily on action at the federal level, and as this year's hurricane season approaches, people residing in potential disaster zones need to have full and effective representation in Congress as soon as possible; and

WHEREAS, Section 41.0011 of the Texas Election Code provides that the Governor may order an emergency special election before the appropriate uniform election date; and

WHEREAS, the circumstances presented by COVID-19 and the border that justified declaring states of disaster also constitute an emergency within the meaning of Section 41.0011 of the Texas Election Code; and

WHEREAS, Section 203.004(b) of the Texas Election Code provides that an emergency special election must be held on a Tuesday or Saturday on or after the 36th day and on or before the 64th day after the date the election is ordered; and

WHEREAS, Section 201.054 of the Texas Election Code, which prescribes filing deadlines for special elections, prevents the Governor from calling a special election earlier than 46 days from the day the election is called, despite the time period specified in Section 203.004(b); and

WHEREAS, the primary runoff election will be held on May 24, 2022, and Section 41.007(d) of the Texas Election Code provides that no other election may be held on the date of a primary election, thus preventing the Governor from calling a special election in this circumstance between 46 days and 64 days from the day the election is called; and

WHEREAS, the federal Uniformed and Overseas Citizens Absentee Voting Act requires that validly requested absentee ballots in federal elections be transmitted to absent uniformed services voters and overseas voters no later than 45 days prior to the election; and

WHEREAS, members of our U.S. armed forces, their families, and overseas citizens should have a full opportunity to participate in every election; and

WHEREAS, the election to fill the vacancy in the U.S. House of Representatives for the 34th Congressional District of Texas is a federal election; and

WHEREAS, it is impossible to hold a special election earlier than November 8, 2022 that complies with all applicable state and federal election laws; and

WHEREAS, the Governor has the authority under Texas Government Code Section 418.016 to suspend certain statutory provisions if strict compliance with those provisions would in any way prevent, hinder, or delay necessary action in coping with a disaster; and

WHEREAS, the Governor has the authority under Texas Government Code Section 418.012 to issue proclamations that have the force and effect of law; and

WHEREAS, unless suspended, the aforementioned state election laws will deny the residents of Congressional District 34 an effective voice in the U.S. House of Representatives until November 2022, at the earliest; and

WHEREAS, should the emergency special election result in a runoff, the runoff election would likely be held in August 2022; and

WHEREAS, a prolonged vacancy in Congressional District 34 will prevent, hinder, or delay necessary action in coping with issues that Congress continues to deliberate related to COVID-19;

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Statutes of the State of Texas, do hereby order an emergency special election to be held in Congressional District 34 on Tuesday, June 14, 2022, for the purpose of electing a U.S. Representative for Congressional District 34 to serve out the unexpired term of the Honorable Filemon B. Vela.

Candidates who wish to have their names placed on the special election ballot must file their applications with the Secretary of State no later than 5:00 p.m. on Wednesday, April 13, 2022, in accordance with Section 201.054(a)(1) of the Texas Election Code.

Ballots validly requested pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act shall be transmitted no later than 5:00 p.m. on Saturday, April 30, 2022.

Ballots not subject to the federal Uniformed and Overseas Citizens Absentee Voting Act shall be mailed to voters entitled to vote by mail no later than 5:00 p.m. on Monday, May 16, 2022.

Early voting by personal appearance shall begin on Tuesday, May 31, 2022, in accordance with Sections 85.001(a) and (d) of the Texas Election Code.

To the extent the dates specified in this proclamation conflict with any state election law requirements, those laws are suspended pursuant to Section 418.016 of the Texas Government Code. This suspension is effective only for the special election ordered in this proclamation.

A copy of this order shall be mailed immediately to the County Judges of all counties contained within Congressional District 34, and all appropriate writs shall be issued and all proper proceedings shall be followed to the end that said election may be held to fill the vacancy in Congressional District 34 and its result proclaimed in accordance with law.

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 4th day of April, 2022.

Greg Abbott, Governor

TRD-202201291





# THE ATTORNEY GENERAL

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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>.)

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## Request for Opinions

**RQ-0453-KP**

### Requestor:

The Honorable Thomas J. Selleck  
Brazoria Criminal District Attorney  
111 E. Locust, Suite 408A  
Angleton, Texas 77515

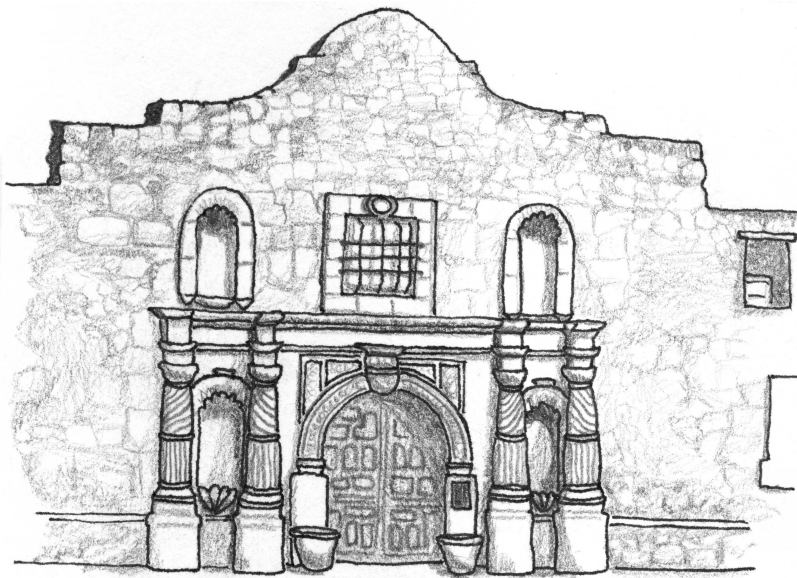
Re: Whether a city council member may also serve as a member of the city's reserve police force. (RQ-0453-KP)

## Briefs requested by May 9, 2022

*For further information, please access the website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or call the Opinion Committee at (512) 463-2110.*

TRD-202201371  
Austin Kinghorn  
General Counsel  
Office of the Attorney General  
Filed: April 12, 2022





# EMERGENCY RULES

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

## TITLE 26. HEALTH AND HUMAN SERVICES

### PART 1. HEALTH AND HUMAN SERVICES COMMISSION

#### CHAPTER 500. COVID-19 EMERGENCY

##### HEALTH CARE FACILITY LICENSING

##### SUBCHAPTER D. CHEMICAL DEPENDENCY TREATMENT FACILITIES

#### 26 TAC §§500.41 - 500.44

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) adopts on an emergency basis in Title 26 Texas Administrative Code, Chapter 500 COVID-19 Emergency Health Care Facility Licensing, new §500.41, concerning an emergency rule on telemedicine and telehealth in order to reduce the risk of transmission of COVID-19; new §500.42, concerning an emergency rule on maximum caseloads in order to permit an intensive residential program in a chemical dependency treatment facility (CDTF) to temporarily increase counselor caseloads to 20 clients per counselor; new §500.43, concerning an emergency rule on service delivery via two-way, real-time internet or telephone communications in order to reduce the risk of transmission of COVID-19; and new §500.44, concerning an emergency rule on treatment planning and service provision documentation deadlines in order to provide CDTFs additional time to document service delivery, as counselor caseloads may have increased in intensive residential treatment programs in response to the COVID-19 pandemic. As authorized by Texas Government Code §2001.034, HHSC may adopt an emergency rule without prior notice or hearing upon finding that an imminent peril to the public health, safety, or welfare requires adoption on fewer than 30 days' notice. Emergency rules adopted under Texas Government Code §2001.034 may be effective for not longer than 120 days and may be renewed for not longer than 60 days.

#### BACKGROUND AND PURPOSE

The purpose of the emergency rulemaking is to support the Governor's March 13, 2020 proclamation certifying that the COVID-19 virus poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas. In this proclamation, the Governor authorized the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster and directed that government entities and businesses would continue providing essential services. HHSC accordingly finds that an imminent peril to the public health, safety, and welfare of the state requires immediate adoption of these emergency rules.

To protect patients and the public health, safety, and welfare of the state during the COVID-19 pandemic, HHSC is adopt-

ing emergency rules to temporarily adjust CDTF operational requirements to: (1) permit a licensed CDTF to provide telehealth and telemedicine treatment services to clients in order to reduce the risk of transmission of COVID-19; (2) permit an intensive residential program in a CDTF to increase counselor caseloads from 10 to 20 clients per counselor due to CDTF staff shortages; (3) permit a licensed CDTF to provide treatment services through two-way, real-time internet or telephone communications to clients in order to reduce the risk of transmission of COVID-19; and (4) extend treatment planning and service provision documentation deadlines to provide CDTFs additional time to document service delivery, as counselor caseloads may have increased in intensive residential treatment programs. These emergency rules will address staff shortages, reduce the risk of transmission of COVID-19, and reduce barriers to treatment for patients seeking treatment for substance use disorders and chemical dependency.

#### STATUTORY AUTHORITY

The emergency rulemaking is adopted under Texas Government Code §2001.034 and §531.0055 and Health and Safety Code §464.009. Texas Government Code §2001.034 authorizes the adoption of emergency rules without prior notice and hearing, if an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule on fewer than 30 days' notice. Texas Government Code §531.0055 authorizes the Executive Commissioner of HHSC to adopt rules and policies necessary for the operation and provision of health and human services by the health and human services system. Health and Safety Code §464.009 authorizes the Executive Commissioner of HHSC to adopt rules governing organization and structure, policies and procedures, staffing requirements, services, client rights, records, physical plant requirements, and standards for licensed CDTFs.

The new sections implement Texas Government Code §531.0055 and Texas Health and Safety Code §464.009.

#### §500.41. CDTF Telemedicine or Telehealth During the COVID-19 Pandemic.

(a) Based on Governor Greg Abbott's March 13, 2020 declaration of a state of disaster in all Texas counties, the Texas Health and Human Services Commission (HHSC) adopts this emergency rule to establish continuing requirements and flexibilities to protect public health and safety during the COVID-19 pandemic. The requirements and flexibilities established in this section are applicable during an active declaration of a state of disaster in all Texas counties due to the COVID-19 pandemic, declared pursuant to Texas Government Code §418.014.

(b) In this section, telehealth service has the meaning assigned by Texas Occupations Code §111.001(3), and telemedicine medical service has the meaning assigned by Texas Occupations Code §111.001(4).

(c) A physician, physician assistant, nurse practitioner, registered nurse, or licensed vocational nurse (LVN) may use telemedicine medical service or telehealth service to screen a client for admission to a detoxification program as required by 25 TAC §448.801(e) (relating to Screening), provided all other requirements of that subsection are met. The physician who examines a client screened by an LVN, as required by 25 TAC §448.801(e)(4), may use telemedicine medical service or telehealth service to examine the client.

(d) The medical director or their designee (physician assistant, nurse practitioner) may use telemedicine medical service or telehealth service to conduct the examination of a client for admission to a detoxification program, as required by 25 TAC §448.902(e) (relating to Requirements Applicable to Detoxification Services), provided all other requirements of that subsection are met.

(e) A counselor or counselor intern may use electronic means that meet the criteria of 25 TAC §448.911 (relating to Treatment Services Provided by Electronic Means) to conduct the comprehensive psychosocial assessment of a client admitted to the facility, as required by 25 TAC §448.803 (relating to Assessment), provided all other requirements of §448.803 are met, and to review information from an outside source with the client, as required by 25 TAC §448.803(f), provided all other requirements of that subsection are met.

(f) A qualified credentialed counselor, licensed professional counselor, licensed chemical dependency counselor, licensed marriage and family therapist, or licensed clinical social worker may provide outpatient chemical dependency treatment program services by electronic means under 25 TAC §448.911, provided all other requirements of that section are met.

(g) Any use of telemedicine medical service or telehealth service under this section shall comply with all applicable professional statutes and rules.

§500.42. CDTF Maximum Caseloads During the COVID-19 Pandemic.

(a) Based on Governor Greg Abbott's March 13, 2020 declaration of a state of disaster in all Texas counties, the Texas Health and Human Services Commission (HHSC) adopts this emergency rule to establish continuing requirements and flexibilities to protect public health and safety during the COVID-19 pandemic. The requirements and flexibilities established in this section are applicable during an active declaration of a state of disaster in all Texas counties due to the COVID-19 pandemic, declared pursuant to Texas Government Code §418.014.

(b) Notwithstanding 25 TAC §448.903(f) (relating to Requirements Applicable to Residential Services), counselor caseloads in intensive residential programs shall be limited to 20 clients for each counselor. To the extent this emergency rule conflicts with 25 TAC Chapter 448, this emergency rule controls while it remains in effect.

§500.43. CDTF Service Delivery Through Two-Way, Real-Time Internet or Telephone Communications During the COVID-19 Pandemic.

(a) Based on Governor Greg Abbott's March 13, 2020 declaration of a state of disaster in all Texas counties, the Texas Health and Human Services Commission (HHSC) adopts this emergency rule to establish continuing requirements and flexibilities to protect public health and safety during the COVID-19 pandemic. The requirements and flexibilities established in this section are applicable during an active declaration of a state of disaster in all Texas counties due to the COVID-19 pandemic, declared pursuant to Texas Government Code §418.014.

(b) A qualified credentialed counselor, licensed professional counselor, licensed chemical dependency counselor, licensed marriage

and family therapist, licensed clinical social worker, or licensed professional counselor intern may provide intensive residential services required by 25 TAC §448.903(d)(1) - (2), supportive residential services required by 25 TAC §448.903(g)(1) - (2), intensive residential services in therapeutic communities required by 25 TAC §448.1401(g)(1) - (2) (relating to Therapeutic Communities), and adult supportive residential services in therapeutic communities required by 25 TAC §448.1401(k)(1) - (2) using two-way, real-time internet or telephone communications to provide services.

(c) A licensed professional counselor intern may provide outpatient chemical dependency treatment program services using two-way, real-time internet or telephone communications to provide services.

(d) Notwithstanding the provisions of 25 TAC §448.911 (relating to Treatment Services Provided by Electronic Means), the professionals listed in subsection (b) of this section and in §500.41(f) of this subchapter (relating to CDTF Telemedicine or Telehealth in Response to COVID-19 Pandemic) may use two-way, real-time internet or telephone communications to provide services.

(e) Any provision of services under this section shall comply with all applicable state and federal statutes and rules regarding record-keeping, confidentiality, and privacy, including 25 TAC §448.508 (relating to Client Records), 25 TAC §448.210 (relating to Confidentiality), and 42 Code of Federal Regulations Part 2.

§500.44. CDTF Treatment Planning and Service Provision Documentation Deadlines During the COVID-19 Pandemic.

(a) Based on Governor Greg Abbott's March 13, 2020 declaration of a state of disaster in all Texas counties, the Texas Health and Human Services Commission (HHSC) adopts this emergency rule to establish continuing requirements and flexibilities to protect public health and safety during the COVID-19 pandemic. The requirements and flexibilities established in this section are applicable during an active declaration of a state of disaster in all Texas counties due to the COVID-19 pandemic, declared pursuant to Texas Government Code §418.014.

(b) Notwithstanding the deadline provision of 25 TAC §448.804(f) (relating to Treatment Planning, Implementation and Review), the client treatment plan required by 25 TAC §448.804 shall be completed and filed in the client record within seven business days of admission.

(c) Notwithstanding the deadline provision of 25 TAC §448.804(l), program staff shall document all treatment services (counseling, chemical dependency education, and life skills training) in the client record within seven business days, including the date, nature, and duration of the contact, the signature and credentials of the person providing the service, and the information required by 25 TAC §448.804(l)(1) - (2).

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

Filed with the Office of the Secretary of State on April 5, 2022.

TRD-202201231

Karen Ray

Chief Counsel

Health and Human Services Commission

Effective date: April 10, 2022

Expiration date: August 7, 2022

For further information, please call: (512) 834-4591

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## SUBCHAPTER E. LICENSED CHEMICAL DEPENDENCY COUNSELORS

### 26 TAC §500.51

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) adopts on an emergency basis in Title 26 Texas Administrative Code, Chapter 500 COVID-19 Emergency Health Care Facility Licensing, new §500.51, concerning an emergency rule for supervision of licensed chemical dependency counselor (LCDC) interns in response to COVID-19 in order to permit supervisors of interns to provide required supervision through the use of two-way, real-time internet or telephone communications to reduce the risk of transmission of COVID-19. As authorized by Texas Government Code §2001.034, HHSC may adopt an emergency rule without prior notice or hearing upon finding that an imminent peril to the public health, safety, or welfare requires adoption on fewer than 30 days' notice. Emergency rules adopted under Texas Government Code §2001.034 may be effective for not longer than 120 days and may be renewed for not longer than 60 days.

#### BACKGROUND AND PURPOSE

The purpose of the emergency rulemaking is to support the Governor's March 13, 2020 proclamation certifying that the COVID-19 virus poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas. In this proclamation, the Governor authorized the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster and directed that government entities and businesses would continue providing essential services. HHSC accordingly finds that an imminent peril to the public health, safety, and welfare of the state requires immediate adoption of this emergency rule for Supervision of LCDC Interns During the COVID-19 Pandemic.

To protect patients and the public health, safety, and welfare of the state during the COVID-19 pandemic, HHSC is adopting an emergency rule to temporarily permit: (1) counselor interns with more than 1,000 hours of supervised work experience to provide services in person or through two-way, real-time internet or telephone communications; (2) supervisors of LCDC interns with less than 2,000 hours of supervised work experience to provide supervision in person or through two-way, real-time internet or telephone communications; and (3) a certified clinical supervisor, or the clinical training institution coordinator or intern's supervising qualified credentialed counselor at a clinical training institution, to provide supervision to a counselor intern using two-way, real-time internet or telephone communications to observe and document the intern performing assigned activities and to provide and document one hour of face-to-face individual or group supervision. This emergency rule will address staff shortages, reduce the risk of transmission of COVID-19, and reduce barriers to treatment for patients seeking treatment for substance use disorders and chemical dependency.

#### STATUTORY AUTHORITY

The emergency rulemaking is adopted under Texas Government Code §2001.034 and §531.0055 and Occupations Code §504.051. Texas Government Code §2001.034 authorizes the

adoption of emergency rules without prior notice and hearing, if an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule on fewer than 30 days' notice. Texas Government Code §531.0055 authorizes the Executive Commissioner of HHSC to adopt rules and policies necessary for the operation and provision of health and human services by the health and human services system. Occupations Code §504.051 authorizes the Executive Commissioner of HHSC to adopt rules as necessary for the performance of its duties under that chapter, establish standards of conduct and ethics for persons licensed under that chapter, and establish any additional criteria for peer assistance programs for chemical dependency counselors that the Executive Commissioner of HHSC determines necessary.

The new section implements Texas Government Code §531.0055 and Texas Occupations Code §504.051.

#### §500.51. Supervision of LCDC Interns During the COVID-19 Pandemic.

(a) Based on Governor Greg Abbott's March 13, 2020 declaration of a state of disaster in all Texas counties, the Texas Health and Human Services Commission (HHSC) adopts this emergency rule to establish continuing requirements and flexibilities to protect public health and safety during the COVID-19 pandemic. The requirements and flexibilities established in this section are applicable during an active declaration of a state of disaster in all Texas counties due to the COVID-19 pandemic, declared pursuant to Texas Government Code §418.014.

(b) A counselor intern with more than 1,000 hours of supervised work experience may provide services in person or using two-way, real-time internet or telephone communications.

(c) Notwithstanding 25 TAC §140.422(c) (relating to Direct Supervision of Interns), the supervisor of a counselor intern with less than 2,000 hours of supervised work experience must be on site or immediately accessible by two-way, real-time internet or telephone communications when the intern is providing services.

(d) When supervising a counselor intern as required by 25 TAC §140.422(d), (e), (g), and (h), the certified clinical supervisor, or the clinical training institution coordinator or intern's supervising qualified credentialed counselor at a clinical training institution, may use two-way, real-time internet or telephone communications to observe and document the intern performing assigned activities and to provide and document one hour of face-to-face individual or group supervision.

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

Filed with the Office of the Secretary of State on April 5, 2022.

TRD-202201232

Karen Ray

Chief Counsel

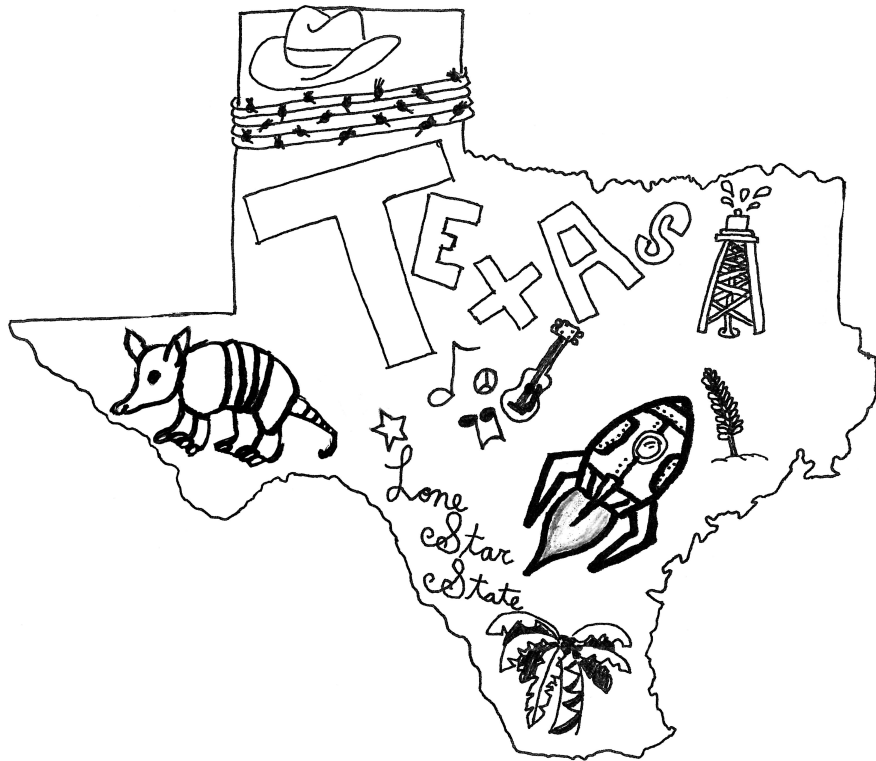
Health and Human Services Commission

Effective date: April 10, 2022

Expiration date: August 7, 2022

For further information, please call: (512) 834-4591

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# PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

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

## TITLE 22. EXAMINING BOARDS

### PART 34. TEXAS STATE BOARD OF SOCIAL WORKER EXAMINERS

#### CHAPTER 781. SOCIAL WORKER LICENSURE

##### SUBCHAPTER C. APPLICATION AND LICENSING

###### 22 TAC §781.404

The Texas Behavioral Health Executive Council proposes amendments to §781.404, relating to Recognition as a Council-approved Supervisor and the Supervision Process.

**Overview and Explanation of the Proposed Rule.** This amendment removes the requirements for maintaining and renewing a licensee's supervisor status from subsection (b) of this rule, because similar requirements have been added to new §781.501, pertaining to requirement for continuing education, where it is more appropriate.

**Fiscal Note.** Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

**Public Benefit.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity and consistency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

**Probable Economic Costs.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

**Small Business, Micro-Business, and Rural Community Impact Statement.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

**Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities.** Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small

businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

**Local Employment Impact Statement.** Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

**Requirement for Rules Increasing Costs to Regulated Persons.** The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

**Government Growth Impact Statement.** For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

**Takings Impact Assessment.** Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

**Request for Public Comments.** Comments on the proposed rule may be submitted to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 333 Guadalupe, Ste. 3-900, Austin, Texas 78701, or by email to [rules@bhec.texas.gov](mailto:rules@bhec.texas.gov). The deadline for receipt of comments is 5:00 p.m., Central Time, on May 22, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

**Statutory Authority.** The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

*§781.404. Recognition as a Council-approved Supervisor and the Supervision Process.*

(a) Types of supervision include:

(1) administrative or work-related supervision of an employee, contractor or volunteer that is not related to qualification for licensure, practice specialty recognition, a disciplinary order, or a condition of new or continued licensure;

(2) clinical supervision of a Licensed Master Social Worker in a setting in which the LMSW is providing clinical services; the supervision may be provided by a Licensed Professional Counselor, Licensed Psychologist, Licensed Marriage and Family Therapist, Licensed Clinical Social Worker or Psychiatrist. This supervision is not related to qualification for licensure, practice specialty recognition, a disciplinary order, or a condition of new or continued licensure;

(3) clinical supervision of a Licensed Master Social Worker, who is providing clinical services and is under a supervision plan to fulfill supervision requirements for achieving the LCSW; a Licensed Clinical Social Worker who is a Council-approved supervisor delivers this supervision;

(4) non-clinical supervision of a Licensed Master Social Worker or Licensed Baccalaureate Social Worker who is providing non-clinical social work service toward qualifications for independent non-clinical practice recognition; this supervision is delivered by a Council-approved supervisor; or

(5) Council-ordered supervision of a licensee by a Council-approved supervisor pursuant to a disciplinary order or as a condition of new or continued licensure.

(b) A person who wishes to be a Council-approved supervisor must file an application and pay the applicable fee.

(1) A Council-approved supervisor must be actively licensed in good standing by the Council as an LBSW, an LMSW, an LCSW, or be recognized as an Advanced Practitioner (LMSW-AP), or hold the equivalent social work license in another jurisdiction. The person applying for Council-approved status must have practiced at his/her category of licensure for two years. The Council-approved supervisor shall supervise only those supervisees who provide services that fall within the supervisor's own competency.

(2) The Council-approved supervisor is responsible for the social work services provided within the supervisory plan.

(3) The Council-approved supervisor must have completed a supervisor's training program acceptable to the Council.

~~[(4) The Council-approved supervisor must complete three hours of continuing education every biennium in supervision theory, skills, strategies, and/or evaluation.]~~

~~[(5) The Council-approved supervisor must designate at each license renewal that he/she wishes to continue Council-approved supervisor status.]~~

~~[(6)]~~ The Council-approved supervisor must submit required documentation and fees to the Council.

~~[(7)]~~ When a licensee is designated a Council-approved supervisor, he or she may perform the following supervisory functions: [-]

(A) An LCSW may supervise clinical experience toward the LCSW license, non-clinical experience toward the Independent Practice Recognition (non-clinical), and Council-ordered probated suspension. [-]

(B) An LMSW-AP may supervise non-clinical experience toward the non-clinical Independent Practice Recognition; and Council-ordered probated suspension for non-clinical practitioners. [-]

(C) An LMSW with the Independent Practice Recognition (non-clinical) who is a Council-approved supervisor may supervise an LBSW's or LMSW's non-clinical experience toward the non-clinical Independent Practice Recognition; and an LBSW or LMSW (non-clinical) under Council-ordered probated suspension. [-]

(D) An LBSW with the non-clinical Independent Practice Recognition who is a Council-approved supervisor may supervise an LBSW's non-clinical experience toward the non-clinical Independent Practice Recognition; and an LBSW under Council-ordered probated suspension.

~~[(8)]~~ The approved supervisor must renew the approved supervisor status in conjunction with the biennial license renewal. The approved supervisor may surrender supervisory status by documenting the choice on the appropriate Council renewal form and subtracting the supervisory renewal fee from the renewal payment. If a licensee who has surrendered supervisory status desires to regain supervisory status, the licensee must reapply and meet the current requirements for approved supervisor status.

~~[(9)]~~ A supervisor must maintain the qualifications described in this section while he or she is providing supervision.

~~[(10)]~~ A Council-approved supervisor who wishes to provide any form of supervision or Council-ordered supervision must comply with the following:

(A) The supervisor is obligated to keep legible, accurate, complete, signed supervision notes and must be able to produce



such documentation for the Council if requested. The notes shall document the content, duration, and date of each supervision session.

(B) A social worker may contract for supervision with written approval of the employing agency. A copy of the approval must accompany the supervisory plan submitted to the Council.

(C) A Council-approved supervisor may not charge or collect a fee or anything of value from his or her employee or contract employee for the supervision services provided to the employee or contract employee.

(D) Before entering into a supervisory plan, the supervisor shall be aware of all conditions of exchange with the clients served by her or his supervisee. The supervisor shall not provide supervision if the supervisee is practicing outside the authorized scope of the license. If the supervisor believes that a social worker is practicing outside the scope of the license, the supervisor shall make a report to the Council.

(E) A supervisor shall not be employed by or under the employment supervision of the person who he or she is supervising.

(F) A supervisor shall not be a family member of the person being supervised.

(G) A supervisee must have a clearly defined job description and responsibilities.

(H) A supervisee who provides client services for payment or reimbursement shall submit billing to the client or third-party payers which clearly indicates the services provided and who provided the services, and specifying the supervisee's licensure category and the fact that the licensee is under supervision.

(I) If either the supervisor or supervisee has an expired license or a license that is revoked or suspended during supervision, supervision hours accumulated during that time will be accepted only if the licensee appeals to and receives approval from the Council.

(J) A licensee must be a current Council-approved supervisor in order to provide professional development supervision toward licensure or specialty recognition, or to provide Council-ordered supervision to a licensee. Providing supervision without having met all requirements for current, valid Council-approved supervisor status may be grounds for disciplinary action against the supervisor.

(K) The supervisor shall ensure that the supervisee knows and adheres to Subchapter B, Rules of Practice, of this Chapter.

(L) The supervisor and supervisee shall avoid forming any relationship with each other that impairs the objective, professional judgment and prudent, ethical behavior of either.

(M) Should a supervisor become subject to a Council disciplinary order, that person is no longer a Council-approved supervisor and must so inform all supervisees, helping them to find alternate supervision. The person may reapply for Council-approved supervisor status by meeting the terms of the disciplinary order and having their license in good standing, in addition to submitting an application for Council-approved supervisor, and proof of completion of a 40-hour Council-approved supervisor training course, taken no earlier than the date of execution of the Council order.

(N) The Council may deny, revoke, or suspend Council-approved supervisory status for violation of the Act or rules. Continuing to supervise after the Council has denied, revoked, or suspended Council-approved supervisor status, or after the supervisor's supervisory status expires, may be grounds for disciplinary action against the supervisor.

(O) If a supervisor's Council-approved status is expired, suspended, or revoked, the supervisor shall refund all supervisory fees the supervisee paid after the date the supervisor ceased to be Council-approved.

(P) A supervisor is responsible for developing a well-conceptualized supervision plan with the supervisee, and for updating that plan whenever there is a change in agency of employment, job function, goals for supervision, or method by which supervision is provided.

(Q) All Council-approved supervisors shall have taken a Council-approved supervision training course by January 1, 2014 in order to renew Council-approved supervisor status. The Council recognizes that many licensees have had little, if any, formal education about supervision theories, strategies, problem-solving, and accountability, particularly LBSWs who may supervise licensees toward the IPR. Though some supervisors have functioned as employment supervisors for some time and have acquired practical knowledge, their practical supervision skills may be focused in one practice area and may not include current skills in various supervision methods or familiarity with emerging supervisory theories, strategies, and regulations. Therefore, the Council values high-quality, contemporary, multi-modality supervision training to ensure that all supervisors have refreshed their supervisory skills and knowledge in order to help supervisees practice safely and effectively.

(9) ~~[(44)]~~ A Council-approved supervisor who wishes to provide supervision towards licensure as an LCSW or towards specialty recognition in Independent Practice (IPR) or Advanced Practitioner (LMSW-AP), which is supervision for professional growth, must comply with the following:

(A) Supervision toward licensure or specialty recognition may occur in one-on-one sessions, in group sessions, or in a combination of one-on-one and group sessions. Session may transpire in the same geographic location, or via audio, web technology or other electronic supervision techniques that comply with HIPAA and Texas Health and Safety Code, Chapter 611, and/or other applicable state or federal statutes or rules.

(B) Supervision groups shall have no fewer than two members and no more than six.

(C) Supervision shall occur in proportion to the number of actual hours worked. No more than 10 hours of supervision may be counted in any one month, or 30-day period, as appropriate, towards satisfying minimum requirements for licensure or specialty recognition.

(D) The Council considers supervision toward licensure or specialty recognition to be supervision which promotes professional growth. Therefore, all supervision formats must encourage clear, accurate communication between the supervisor and the supervisee, including case-based communication that meets standards for confidentiality. Though the Council favors supervision formats in which the supervisor and supervisee are in the same geographical place for a substantial part of the supervision time, the Council also recognizes that some current and future technology, such as using reliable, technologically-secure computer cameras and microphones, can allow personal face-to-face, though remote, interaction, and can support professional growth. Supervision formats must be clearly described in the supervision plan, explaining how the supervision strategies and methods of delivery meet the supervisee's professional growth needs and ensure that confidentiality is protected.

(E) Supervision toward licensure or specialty recognition must extend over a full 3000 hours over a period of not less than

24 full months and a period of not more than 48 full months for LCSW or not more than 60 full months for Independent Practice Recognition (IPR). Even if the individual completes the minimum of 3000 hours of supervised experience and minimum of 100 hours of supervision prior to 24 months from the start date of supervision, supervision which meets the Council's minimum requirements shall extend to a minimum of 24 full months.

(F) The supervisor and the supervisee bear professional responsibility for the supervisee's professional activities.

(G) If the supervisor determines that the supervisee lacks the professional skills and competence to practice social work under a regular license, the supervisor shall develop and implement a written remediation plan for the supervisee.

(H) Supervised professional experience required for licensure must comply with §781.401 of this title (relating to Qualifications for Licensure) and §781.402 of this title (relating to Clinical Supervision for LCSW and Non-Clinical Supervision for Independent Practice Recognition) of this title and all other applicable laws and rules.

(10) [(42)] A Council-approved supervisor who wishes to provide supervision required as a result of a Council order must comply with this title, all other applicable laws and rules, and/or the following.

(A) A licensee who is required to be supervised as a condition of initial licensure, continued licensure, or disciplinary action must:

(i) submit one supervisory plan for each practice location to the Council for approval by the Council or its designee within 30 days of initiating supervision;

(ii) submit a current job description from the agency in which the social worker is employed with a verification of authenticity from the agency director or his or her designee on agency letterhead or submit a copy of the contract or appointment under which the licensee intends to work, along with a statement from the potential supervisor that the supervisor has reviewed the contract and is qualified to supervise the licensee in the setting;

(iii) ensure that the supervisor submits reports to the Council on a schedule determined by the Council. In each report, the supervisor must address the supervisee's performance, how closely the supervisee adheres to statutes and rules, any special circumstances that led to the imposition of supervision, and recommend whether the supervisee should continue licensure. If the supervisor does not recommend the supervisee for continued licensure, the supervisor must provide specific reasons for not recommending the supervisee. The Council may consider the supervisor's reservations as it evaluates the supervision verification the supervisee submits; and

(iv) notify the Council immediately if there is a disruption in the supervisory relationship or change in practice location and submit a new supervisory plan within 30 days of the break or change in practice location.

(B) The supervisor who agrees to provide Council-ordered supervision of a licensee who is under Council disciplinary action must understand the Council order and follow the supervision stipulations outlined in the order. The supervisor must address with the licensee those professional behaviors that led to Council discipline, and must help to remediate those concerns while assisting the licensee to develop strategies to avoid repeating illegal, substandard, or unethical behaviors.

(C) Council-ordered and mandated supervision timeframes are specified in the Council order

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 April 11, 2022.

TRD-202201314

Darrel D. Spinks

Executive Director

Texas State Board of Social Worker Examiners

Earliest possible date of adoption: May 22, 2022

For further information, please call: (512) 305-7706



## 22 TAC §781.501

The Texas Behavioral Health Executive Council proposes new §781.501, relating to Requirements for Continuing Education.

**Overview and Explanation of the Proposed Rule.** This proposed new rule consolidates all the continuing education requirements contained in multiple rules into this single rule. Additionally, this rule adds and changes some of the requirements for each renewal cycle. For example, licensees will now be required to complete three hours of cultural diversity or competency, licensees with supervisor status will still be required to complete six hours in supervision instead of three previously but these hours can be counted towards the minimum hours required, licensees who take the jurisprudence exam can claim one hour of ethics credit, and lastly licensees can now claim up to one hour of self-study continuing education credit.

**Fiscal Note.** Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

**Public Benefit.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity and consistency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

**Probable Economic Costs.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

**Small Business, Micro-Business, and Rural Community Impact Statement.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

**Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities.** Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 333 Guadalupe, Ste. 3-900, Austin, Texas 78701, or by email to rules@bhec.texas.gov. The deadline for receipt of comments is 5:00 p.m., Central Time, on May 22, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§781.501. Requirements for Continuing Education.

(a) Minimum Continuing Education Hours Required:

(1) A licensee must complete 30 hours of continuing education during each renewal period that they hold a license. The 30 hours of continuing education must include 6 hours in ethics and 3 hours in cultural diversity or competency.

(2) A licensee may carry forward to the next renewal period, a maximum of 10 hours accrued during the current renewal period if those hours are not needed for renewal.

(b) Special Continuing Education Requirements.

(1) A licensee with supervisory status must complete 6 hours of continuing education in supervision.

(2) The special continuing education requirements set out in this subsection may be counted toward the minimum continuing education hours required under subsection (a).

(c) Acceptable ethics hours include, but are not limited to continuing education on:

(1) state or federal laws, including agency rules, relevant to the practice of social work;

(2) practice guidelines established by local, regional, state, national, or international professional organizations;

(3) training or education designed to demonstrate or affirm the ideals and responsibilities of the profession; and

(4) training or education intended to assist licensees in determining appropriate decision-making and behavior, improve consistency in or enhance the professional delivery of services, and provide a minimum acceptable level of practice.

(d) Acceptable cultural diversity or competency hours include, but are not limited to continuing education regarding age, disability, ethnicity, gender, gender identity, language, national origin, race, religion, culture, sexual orientation, and socio-economic status.

(e) Acceptable Continuing Education Activities.

(1) All continuing education hours must have been received during the renewal period and be directly related to the practice of social work;

(2) The Council shall make the determination as to whether the activity claimed by the licensee is directly related to the practice of social work;

(3) Except for hours claimed under subsection (h) of this section, all continuing education hours obtained must be designated by the provider in a letter, email, certificate, or transcript that displays the licensee's name, topic covered, date(s) of training, and hours of credit earned; and

(4) Multiple instances or occurrences of a continuing education activity may not be claimed for the same renewal period.

(f) Licensees must obtain at least fifty percent of their continuing education hours from one or more of the following providers:

(1) an international, national, regional, state, or local association of medical, mental, or behavioral health professionals;

(2) public school districts, charter schools, or education service centers;

(3) city, county, state, or federal governmental entities;

(4) an institution of higher education accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education;

(5) religious or charitable organizations devoted to improving the mental or behavioral health of individuals; or

(6) any provider approved or endorsed by a provider listed herein.

(g) Licensees shall receive credit for continuing education activities according to the number of hours designated by the provider, or if no such designation, on a one-for-one basis with one credit hour for each hour spent in the continuing education activity.

(h) Licensees may claim continuing education credit for each of the following activities:

(1) Passage of the jurisprudence examination. Licensees who pass the jurisprudence examination may claim 1 hour of continuing education in ethics.

(2) Preparing and giving a presentation at a continuing education activity. The maximum number of hours that may be claimed for this activity is 5 hours.

(3) Authoring a book or peer reviewed article. The maximum number of hours that may be claimed for this activity is 5 hours.

(4) Teaching or attending a graduate level course. The maximum number of hours that may be claimed for this activity is 5 hours.

(5) Self-study. The maximum number of hours that may be claimed for this activity is 1 hour.

(6) Successful completion of a training course on human trafficking prevention described by §116.002 of the Occupations Code. Licensees who complete this training may claim 1 hour of continuing education credit.

(i) The Council does not pre-evaluate or pre-approve continuing education providers or hours.

(j) Licensees shall maintain proof of continuing education compliance for a minimum of 3 years after the applicable renewal period.

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

Filed with the Office of the Secretary of State on April 11, 2022.

TRD-202201315

Darrel D. Spinks

Executive Director

Texas State Board of Social Worker Examiners

Earliest possible date of adoption: May 22, 2022

For further information, please call: (512) 305-7706



## 22 TAC §§781.508 - 781.510, 781.514

The Texas Behavioral Health Executive Council proposes the repeal of §781.508, relating to Hour Requirements for Continuing Education; §781.509, relating to Types of Acceptable Continuing Education; §781.510, relating to Activities Unacceptable as Continuing Education; and §781.514, relating to Credit Hours Granted.

Overview and Explanation of the Proposed Rule. These rules are proposed to be repealed because these same requirements have been added to new §781.501, pertaining to requirements for continuing education, proposed elsewhere in this edition of the *Texas Register* and where all licensee continuing education requirements have been consolidated.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed repeal is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the repeal. Additionally, Mr. Spinks has determined that enforcing or administering the repeal does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed repeal is in effect there will be a benefit to licensees, applicants, and the general public because the proposed repeal and replace of the continuing education rules will provide greater clarity and consistency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of enforcing the repeal will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed repeal is in effect, there will be no additional economic costs to persons required to comply with this repeal.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed repeal is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed repeal will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed repeal does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed repeal is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed repeal is in effect, the Executive Council estimates that the proposed repeal will have no effect on government growth. The proposed repeal does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to the agency; it does not require an increase or decrease in fees paid to this agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed repeal. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed repeal may be submitted to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 333 Guadalupe, Ste. 3-900, Austin, Texas 78701, or by email to rules@bhec.texas.gov. The deadline for receipt of comments is 5:00 p.m., Central Time, on May 22, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

Statutory Authority. The repeal is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this repeal pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose this repeal to the Executive Council. The repeal is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this repeal in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing educa-

tion requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this repeal to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may propose this repeal.

Lastly, the Executive Council proposes this repeal under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§781.508. *Hour Requirements for Continuing Education.*

§781.509. *Types of Acceptable Continuing Education.*

§781.510. *Activities Unacceptable as Continuing Education.*

§781.514. *Credit Hours Granted.*

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 April 11, 2022.

TRD-202201316

Darrel D. Spinks

Executive Director

Texas State Board of Social Worker Examiners

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For further information, please call: (512) 305-7706



## SUBCHAPTER D. SCHEDULE OF SANCTIONS

### 22 TAC §781.805

The Texas Behavioral Health Executive Council proposes amendments to §781.805, relating to Schedule of Sanctions.

Overview and Explanation of the Proposed Rule. Amendments to §781.404 are being proposed, so corresponding amendments to this rule are necessary to align with those proposed changes.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity and consistency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 333 Guadalupe, Ste. 3-900, Austin, Texas 78701, or by email to [rules@bhec.texas.gov](mailto:rules@bhec.texas.gov). The deadline for receipt of comments is 5:00 p.m., Central Time, on May 22, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

*§781.805. Schedule of Sanctions.*

The following standard sanctions shall apply to violations of the Act and these rules.

~~Figure: 22 TAC §781.805~~

~~Figure: 22 TAC §781.805~~

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 April 11, 2022.

TRD-202201317

Darrel D. Spinks

Executive Director

Texas State Board of Social Worker Examiners

Earliest possible date of adoption: May 22, 2022

For further information, please call: (512) 305-7706

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**PART 35. TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS**

**CHAPTER 801. LICENSURE AND REGULATION OF MARRIAGE AND FAMILY THERAPISTS**

**SUBCHAPTER B. RULES OF PRACTICE**

**22 TAC §801.44**

The Texas Behavioral Health Executive Council proposes amendments to §801.44, relating to Relationships with Clients.

Overview and Explanation of the Proposed Rule. Currently this rule requires licensees to be competent in a particular professional service before the licensee provides such a service to a client or offers the service to the general public. The proposed amendment clarifies that the same standard applies in emerging areas of practice, where generally recognized standards for preparatory training do not exist yet. In such emerging areas licensees are also required to ensure the competence of their work and protect the recipients of those services from harm or the potential of harm.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity and consistency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination

of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 333 Guadalupe, Ste. 3-900, Austin, Texas 78701, or by email to rules@bhec.texas.gov. The deadline for receipt of comments is 5:00 p.m., Central Time, on May 22, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§801.44. *Relationships with Clients.*

(a) A licensee must provide marriage and family therapy professional services only in the context of a professional relationship.

(b) A licensee must make known in writing to a prospective client the important aspects of the professional relationship, including the licensee's status as an LMFT or LMFT Associate, any probationary status or other restrictions placed on the licensee by the council, office procedures, after-hours coverage, fees, and arrangements for payment (which might affect the client's decision to enter into the relationship).

(c) A licensee must obtain an appropriate consent for treatment before providing professional services. A licensee must make reasonable efforts to determine whether the conservatorship, guardianship, or parental rights of the client have been modified by a court. Before the commencement of therapy services to a minor client who is named in a custody agreement or court order, a licensee must obtain and review a current copy of the custody agreement or court order in a suit affecting the parent-child relationship. A licensee must maintain these documents in the client's record. When federal or state statutes provide an exemption to secure consent of a parent or guardian before providing services to a minor, such as in Texas Family Code, Chapter 32 (relating to Consent to Treatment of Child by Non-Parent or Child), a licensee must follow the protocol set forth in such federal or state statutes.

(d) A licensee must make known in writing to a prospective client the confidential nature of the client's disclosures and the clinical record, including the legal limitations of the confidentiality of the mental health record and information.

(e) No commission or rebate or any other form of remuneration may be given or received by a licensee for the referral of clients for professional services. A licensee employed or under contract with a chemical dependency facility or a mental health facility must comply with the requirements in Texas Health and Safety Code, §164.006 (relating to Soliciting and Contracting with Certain Referral Sources). Compliance with Texas Health and Safety Code, Chapter 164 (relating to Treatment Facilities Marketing and Admission Practices) is not considered a violation of state law regarding illegal remuneration.

(f) A licensee may not exploit the licensee's position of trust with a client or former client.

(g) A licensee may not engage in activities that seek to meet the licensee's personal needs instead of the needs of the client.

(h) A licensee may not provide marriage and family therapy services to family members, personal friends, educational associates, business associates, or others whose welfare might be jeopardized by such a dual relationship.

(i) A licensee must set and maintain professional boundaries with clients and former clients.

(j) A licensee may disclose confidential information to medical or law enforcement personnel if the licensee determines there is a probability of imminent physical injury by the client to the client or others or there is a probability of immediate mental or emotional injury to the client.

(k) In group therapy settings, the licensee must take reasonable precautions to protect individuals from physical or emotional trauma resulting from interaction within the group.

(l) A licensee must make a reasonable effort to avoid non-therapeutic relationships with clients or former clients. A non-therapeutic relationship is an activity begun by either the licensee, the client, or former client for the purposes of establishing a social, business, or other relationship not related to therapy. A licensee must ensure the welfare of the client or former client if a non-therapeutic relationship arises.

(m) A licensee may not bill clients or third parties for services not actually rendered or as agreed to in writing.

(n) A licensee must end a professional relationship when it is reasonably clear the client is not benefiting from it. Upon ending a professional relationship, if the client still requires mental health services, the licensee must make reasonable efforts to provide a written referral to clients for appropriate services and to facilitate the transfer to appropriate care.

(o) A licensee who engages in technology-assisted services must provide the client with the licensee's license number and information on how to contact the council by telephone, electronic communication, or mail. The licensee must comply with all other provisions of this chapter.

(p) A licensee may not offer services that are beyond the licensee's professional competency, and the services provided must be within accepted professional standards of practice and appropriate to the needs of the client. In emerging areas in which generally recognized standards for preparatory training do not exist, licensees must take reasonable steps to ensure the competence of their work and to protect clients, research participants, and other affected individuals from the potential for harm.

(q) A licensee must base all services on an assessment, evaluation, or diagnosis of the client.

(r) A licensee must evaluate a client's progress on a continuing basis to guide service delivery and must make use of supervision and consultation as indicated by the client's needs.

(s) A licensee may not knowingly offer or provide professional services to an individual concurrently receiving professional services from another mental health services provider except with that provider's knowledge. If a licensee learns of such concurrent professional services, the licensee must take immediate and reasonable action to inform the other mental health services provider.

(t) A licensee may not aid or abet the unlicensed practice of marriage and family therapy services by a person required to be licensed under the Act. A licensee must report to the council knowledge of any unlicensed practice.

(u) A licensee may not enter into a non-professional relationship with a client's family member or any person having a personal or professional relationship with a client, if the licensee knows or reasonably should have known such a relationship could be detrimental to the client.

(v) A licensee must refrain from providing services when they know or should know that their physical or mental health or lack of objectivity are likely to impair their competency or harm a client or other person with whom they have a professional relationship.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

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For further information, please call: (512) 305-7706



## SUBCHAPTER B. RULES OF PRACTICE

### 22 TAC §801.58



The Texas Behavioral Health Executive Council proposes amendments to §801.58, relating to Technology-Assisted Services.

**Overview and Explanation of the Proposed Rule.** This amendment removes the requirement of two hours of continuing education every renewal period for technology assisted services from this rule, because this same requirement has been added to new §801.261, pertaining to requirements for continuing education, where it is more appropriate.

**Fiscal Note.** Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

**Public Benefit.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity and consistency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

**Probable Economic Costs.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

**Small Business, Micro-Business, and Rural Community Impact Statement.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

**Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities.** Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

**Local Employment Impact Statement.** Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

**Requirement for Rules Increasing Costs to Regulated Persons.** The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

**Government Growth Impact Statement.** For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or de-

crease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

**Takings Impact Assessment.** Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

**Request for Public Comments.** Comments on the proposed rule may be submitted to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 333 Guadalupe, Ste. 3-900, Austin, Texas 78701, or by email to rules@bhec.texas.gov. The deadline for receipt of comments is 5:00 p.m., Central Time, on May 22, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

**Statutory Authority.** The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

*§801.58. Technology-Assisted Services.*

(a) Licensees who provide marriage and family therapy to clients or supervision to supervisees outside the State of Texas must comply with the laws and rules of Texas and of the out-of-state authority which govern the practice of marriage and family therapy.

(b) Licensees who provide treatment, consultation, and supervision using technology-assisted services must meet the same standards of appropriate practice as licensees who practice in traditional (i.e., in-person) settings.

(c) In accordance with Texas Occupations Code, §502.251 (relating to License Required), a person may not practice as a marriage and family therapist unless the person holds a license under this chapter or is exempt under Texas Occupations Code, §502.004 (relating to Application of Chapter)

(d) A licensee may provide technology-assisted services. To ensure the competent delivery of services by technology-assisted means, a licensee must maintain an appropriate level of education, training, or experience in using relevant technology. [A licensee who provides technology assisted services must complete a minimum of two hours of continuing education in technology-assisted services every renewal period.]

(e) A licensee may not render therapy using technology-assisted services without complying with the following at the onset of each session:

(1) fully verifying the location and identity of the client, to the most reasonable extent possible; and

(2) disclosing the identity of the licensee.

(f) Before providing technology-assisted services, a licensee must determine whether a client is a minor. Upon determining that a client is a minor, and before providing technology-assisted services, a licensee must obtain required consent from a parent or guardian and must verify the identity of the parent, guardian, or other person consenting to the minor's treatment.

(g) The licensee must determine if technology-assisted service is an appropriate delivery of treatment or supervision, considering the professional, intellectual, or emotional needs of the client or supervisee.

(h) Informed consent must include, at a minimum, information that defines electronic service delivery as practiced by the licensee and the potential risks and ethical considerations. The licensee must obtain and maintain written or electronic evidence documenting appropriate client informed consent for the use of technology-assisted services. The licensee must ensure that the informed consent complies with other informed consent requirements in this chapter and must include the following:

(1) identification of the client, the therapist, and the therapist's credentials;

(2) list of services provided by the licensee using technology-assisted services;

(3) client agreement that the therapist determines on an on-going basis whether the condition being assessed or treated is appropriate for technology-assisted services;

(4) details on security measures taken with the use of technology-assisted services, as well as potential risks to privacy notwithstanding such measures;

(5) information regarding secure protocols and back-up plans in case of technical failure;

(6) the licensee's credentials or training to engage in technology-assisted services, and contact information;

(7) risks and benefits of engaging in the use of technology;

(8) emergency procedures to follow when the therapist is not available;

(9) information collected and any passive tracking mechanisms used;

(10) third-party websites or services used by the licensee to facilitate technology-assisted services; and

(11) an explanation of how records are maintained electronically, including encryption type and record security, and the archival storage period for transaction records.

(i) Therapists who use technology-assisted services must meet or exceed applicable federal and state legal requirements of health information privacy, including compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191; The Health Information Technology for Economic and Clinical Health (HITECH) Act, 42 U.S.C. Chapter 156, Subchapter III; Texas Health and Safety Code, Chapter 181 (relating to Medical Records Privacy); and state privacy, confidentiality, and security 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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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

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For further information, please call: (512) 305-7706



## SUBCHAPTER C. APPLICATIONS AND LICENSING

### 22 TAC §801.143

The Texas Behavioral Health Executive Council proposes amendments to §801.143, relating to Supervisor Requirements.

Overview and Explanation of the Proposed Rule. This amendment removes the requirements for maintaining and renewing a licensee's supervisor status from subsection (h) of this rule, because these same requirements have been added to new §801.261, pertaining to requirements for continuing education, where it is more appropriate.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity and consistency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 333 Guadalupe, Ste. 3-900, Austin, Texas 78701, or by email to [rules@bhec.texas.gov](mailto:rules@bhec.texas.gov). The deadline for receipt of comments is 5:00 p.m., Central Time, on May 22, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

*§801.143. Supervisor Requirements.*

(a) To apply for supervisor status, an LMFT in good standing must submit an application and applicable fee as well as documentation of the following:

(1) completion of at least 3,000 hours of LMFT practice over a minimum of 3 years; and

(A) successful completion of a 3-semester-hour, graduate course in marriage and family therapy supervision from an accredited institution; or

(B) a 40-hour continuing education course in clinical supervision; or

(2) designation as an approved supervisor or supervisor candidate by the American Association for Marriage and Family Therapy (AAMFT).

(b) A supervisor may not be employed by the person he or she is supervising.

(c) A supervisor may not be related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood or adoption) to the person whom he or she is supervising.

(d) Within 60 days of the initiation of supervision, a supervisor must process and maintain a complete supervision file on the LMFT Associate. The supervision file must include:

(1) a photocopy of the submitted Supervisory Agreement Form;

(2) proof of council approval of the Supervisory Agreement Form;

(3) a record of all locations at which the LMFT Associate will practice;

(4) a dated and signed record of each supervision conference with the LMFT Associate's total number of hours of supervised experience, direct client contact hours, and direct client contact hours with couples or families accumulated up to the date of the conference; and

(5) a copy of any written plan for remediation of the LMFT Associate.

(e) Within 30 days of the termination of supervision, a supervisor must submit written notification to the council.

(f) Both the LMFT Associate and the council-approved supervisor are fully responsible for the marriage and family therapy activities of the LMFT Associate.

(1) The supervisor must ensure the LMFT Associate knows and adheres to all statutes and rules that govern the practice of marriage and family therapy.

(2) A supervisor must maintain objective, professional judgment; a dual relationship between the supervisor and the LMFT Associate is prohibited.

(3) A supervisor may not supervise more than 12 persons at one time.

(4) If a supervisor determines the LMFT Associate may not have the therapeutic skills or competence to practice marriage and family therapy under an LMFT license, the supervisor must develop and implement a written plan for remediation of the LMFT Associate.

(5) A supervisor must timely submit accurate documentation of supervised experience.

(g) Supervisor status expires with the LMFT license.

~~[(h) To maintain council approval, a supervisor must successfully complete the following continuing education each renewal period:]~~

~~[(1) at least three hours of clinical supervision continuing education; and]~~

~~[(2) the jurisprudence exam.]~~

~~[(h) [(+)] A supervisor who fails to meet all requirements for licensure renewal may not advertise or represent himself or herself as a supervisor in any manner.~~

~~[(i) [(+)] A supervisor whose license status is other than "current, active" is no longer an approved supervisor. Supervised clinical experience hours accumulated under that person's supervision after the date his or her license status changed from "current, active" or after removal of the supervisor designation will not count as acceptable hours unless approved by the council.~~

~~[(j) [(k)] A supervisor who becomes subject to a council disciplinary order is no longer an approved supervisor. The person must:~~

~~(1) inform each LMFT Associate of the council disciplinary order;~~

~~(2) refund all supervisory fees received after date the council disciplinary order was ratified to the LMFT Associate who paid the fees; and~~

~~(3) assist each LMFT Associate in finding alternate supervision.~~

~~[(k) [(h)] Supervision of an LMFT Associate without being currently approved as a supervisor is grounds for disciplinary action.~~

~~[(l) [(m)] The LMFT Associate may compensate the supervisor for time spent in supervision if the supervision is not part of the supervisor's responsibilities as a paid employee of an agency, institution, clinic, or other business entity.~~

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 April 11, 2022.

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

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For further information, please call: (512) 305-7706



## 22 TAC §801.261

The Texas Behavioral Health Executive Council proposes new §801.261, relating to Requirements for Continuing Education.

Overview and Explanation of the Proposed Rule. This proposed new rule consolidates all the continuing education requirements contained in multiple rules into this single rule. Additionally, this rule adds and changes some of the requirements for each renewal cycle. For example, LMFTs will now be required to complete three hours of cultural diversity or competency, licensees with supervisor status must now complete six hours in supervision as opposed to three hours previously, the jurisprudence exam will become optional for licensees with supervisor status as opposed to mandatory and all licensee who take the exam can claim one hour of ethics credit, and lastly licensees can now claim up to one hour of self-study continuing education credit.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity and consistency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 333 Guadalupe, Ste. 3-900, Austin, Texas 78701, or by email to [rules@bhec.texas.gov](mailto:rules@bhec.texas.gov). The deadline for receipt of comments is 5:00 p.m., Central Time, on May 22, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized

by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§801.261. Requirements for Continuing Education.

(a) Minimum Continuing Education Hours Required.

(1) A LMFT must complete 30 hours of continuing education during each renewal period that they hold a license. The 30 hours of continuing education must include 6 hours in ethics and 3 hours in cultural diversity or competency.

(2) A LMFT Associate must complete 15 hours of continuing education during each renewal period that they hold a license. The 15 hours of continuing education must include 6 hours in ethics and 3 hours in cultural diversity or competency.

(3) A licensee may carry forward to the next renewal period, a maximum of 10 hours accrued during the current renewal period if those hours are not needed for renewal.

(b) Special Continuing Education Requirements. The special continuing education requirements set out in this subsection may be counted toward the minimum continuing education hours required under subsection (a) of this section.

(1) A licensee with supervisory status must complete 6 hours of continuing education in supervision.

(2) A licensee with supervisory status must take and pass the jurisprudence examination. One hour of continuing education in ethics may be claimed for passing the jurisprudence examination.

(3) A licensee who provides telehealth services must complete 2 hours of continuing education in technology-assisted services.

(c) Acceptable ethics hours include, but are not limited to continuing education on:

(1) state or federal laws, including agency rules, relevant to the practice of marriage and family therapy;

(2) practice guidelines established by local, regional, state, national, or international professional organizations;

(3) training or education designed to demonstrate or affirm the ideals and responsibilities of the profession; and

(4) training or education intended to assist licensees in determining appropriate decision-making and behavior, improve consis-

tency in or enhance the professional delivery of services, and provide a minimum acceptable level of practice.

(d) Acceptable cultural diversity or competency hours include, but are not limited to continuing education regarding age, disability, ethnicity, gender, gender identity, language, national origin, race, religion, culture, sexual orientation, and socio-economic status.

(e) Acceptable Continuing Education Activities.

(1) All continuing education hours must have been received during the renewal period unless allowed under subsection (a)(3) of this section, and be directly related to the practice of marriage and family therapy;

(2) The Council shall make the determination as to whether the activity claimed by the licensee is directly related to the practice of marriage and family therapy;

(3) Except for hours claimed under subsection (h) of this section, all continuing education hours obtained must be designated by the provider in a letter, email, certificate, or transcript that displays the licensee's name, topic covered, date(s) of training, and hours of credit earned.

(4) Multiple instances or occurrences of a continuing education activity may not be claimed for the same renewal period.

(f) Licensees must obtain at least fifty percent of their continuing education hours from one or more of the following providers:

(1) an international, national, regional, state, or local association of medical, mental, or behavioral health professionals;

(2) public school districts, charter schools, or education service centers;

(3) city, county, state, or federal governmental entities;

(4) an institution of higher education accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education;

(5) religious or charitable organizations devoted to improving the mental or behavioral health of individuals; or

(6) any provider approved or endorsed by a provider listed herein.

(g) Licensees shall receive credit for continuing education activities according to the number of hours designated by the provider, or if no such designation, on a one-for-one basis with one credit hour for each hour spent in the continuing education activity.

(h) Licensees may claim continuing education credit for each of the following activities:

(1) Passage of the jurisprudence examination. Licensees who pass the jurisprudence examination may claim 1 hour of continuing education in ethics.

(2) Preparing and giving a presentation at a continuing education activity. The maximum number of hours that may be claimed for this activity is 5 hours.

(3) Authoring a book or peer reviewed article. The maximum number of hours that may be claimed for this activity is 5 hours.

(4) Teaching or attending a graduate level course. The maximum number of hours that may be claimed for this activity is 5 hours.

(5) Self-study. The maximum number of hours that may be claimed for this activity is 1 hour.

(6) Successful completion of a training course on human trafficking prevention described by §116.002 of the Occupations Code. Licensees who complete this training may claim 1 hour of continuing education credit.

(i) The Council does not pre-evaluate or pre-approve continuing education providers or hours.

(j) Licensees shall maintain proof of continuing education compliance for a minimum of 3 years after the applicable renewal period.

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

Filed with the Office of the Secretary of State on April 11, 2022.

TRD-202201311

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

Earliest possible date of adoption: May 22, 2022

For further information, please call: (512) 305-7706



## 22 TAC §§801.263, 801.264, 801.266

The Texas Behavioral Health Executive Council proposes the repeal of §801.263, relating to Requirements for Continuing Education; §801.264, relating to Types of Acceptable Continuing Education; and §801.266, relating to Determination of Clock Hours Credits and Credit Hours Granted.

Overview and Explanation of the Proposed Rule. These rules are proposed to be repealed because these same requirements have been added to new §801.261, pertaining to requirements for continuing education, proposed elsewhere in the edition of the *Texas Register* and where all licensee continuing education requirements have been consolidated.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed repeal is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the repeal. Additionally, Mr. Spinks has determined that enforcing or administering the repeal does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed repeal is in effect there will be a benefit to licensees, applicants, and the general public because the proposed repeal and replace of the continuing education rules will provide greater clarity and consistency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of enforcing the repeal will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed repeal is in effect, there will be no additional economic costs to persons required to comply with this repeal.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed repeal is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed repeal will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed repeal does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed repeal is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed repeal is in effect, the Executive Council estimates that the proposed repeal will have no effect on government growth. The proposed repeal does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to the agency; it does not require an increase or decrease in fees paid to this agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed repeal. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed repeal may be submitted to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 333 Guadalupe, Ste. 3-900, Austin, Texas 78701, or by email to rules@bhec.texas.gov. The deadline for receipt of comments is 5:00 p.m., Central Time, on May 22, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

Statutory Authority. The repeal is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this repeal pursuant to the authority found in §507.152 of the Tex. Occ. Code, which vests the Executive Council with the authority to adopt

rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose this repeal to the Executive Council. The repeal is specifically authorized by §502.1515 of the Tex. Occ. Code, which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this repeal in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this repeal to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may propose this repeal.

Lastly, the Executive Council proposes this repeal under the authority found in §2001.004 of the Tex. Gov't Code, which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§801.263. *Requirements for Continuing Education.*

§801.264. *Types of Acceptable Continuing Education.*

§801.266. *Determination of Clock Hour Credits and Credit Hours Granted.*

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 April 11, 2022.

TRD-202201312

Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

Earliest possible date of adoption: May 22, 2022

For further information, please call: (512) 305-7706

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## SUBCHAPTER D. SCHEDULE OF SANCTIONS

### 22 TAC §801.305

The Texas Behavioral Health Executive Council proposes amendments to §801.305, relating to Schedule of Sanctions.

Overview and Explanation of the Proposed Rule. Amendments to §801.143 have been proposed, so corresponding amendments have been made to this rule.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the

proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

**Public Benefit.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to licensees, applicants, and the general public because the proposed rule will provide greater clarity and consistency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

**Probable Economic Costs.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

**Small Business, Micro-Business, and Rural Community Impact Statement.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

**Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities.** Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

**Local Employment Impact Statement.** Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

**Requirement for Rules Increasing Costs to Regulated Persons.** The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

**Government Growth Impact Statement.** For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

**Takings Impact Assessment.** Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

**Request for Public Comments.** Comments on the proposed rule may be submitted to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 333 Guadalupe, Ste. 3-900, Austin, Texas 78701, or by email to [rules@bhec.texas.gov](mailto:rules@bhec.texas.gov). The deadline for receipt of comments is 5:00 p.m., Central Time, on May 22, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

**Statutory Authority.** The rule amendment is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also proposes this proposed rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may propose this rule.

Lastly, the Executive Council proposes this proposed rule amendment under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

*§801.305. Schedule of Sanctions.*

The following standard sanctions shall apply to violations of Texas Occupations Code, Chapter 502 and 22 Texas Administrative Code, Part 35.

Figure: 22 TAC §801.305  
[Figure: 22 TAC §801.305]

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 April 11, 2022.

TRD-202201313





## PART 41. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

### CHAPTER 882. APPLICATIONS AND LICENSING

#### SUBCHAPTER A. LICENSE APPLICATIONS

##### 22 TAC §882.2

The Texas Behavioral Health Executive Council proposes amendments to §882.2, relating to General Application File Requirements.

**Overview and Explanation of the Proposed Rule.** The proposed change is necessary to reflect the agency's ability to receive digitally certified self-query reports from the NPDB, rather than continuing to rely exclusively on self-query reports submitted by mail.

**Fiscal Note.** Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

**Public Benefit.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to applicants, licensees, and the general public because the proposed rule will provide greater clarity and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

**Probable Economic Costs.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

**Small Business, Micro-Business, and Rural Community Impact Statement.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

**Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities.** Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

**Local Employment Impact Statement.** Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

**Requirement for Rules Increasing Costs to Regulated Persons.** The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

**Government Growth Impact Statement.** For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

**Takings Impact Assessment.** Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

**Request for Public Comments.** Comments on the proposed rule may be submitted to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 333 Guadalupe, Ste. 3-900, Austin, Texas 78701, or by email to [rules@bhec.texas.gov](mailto:rules@bhec.texas.gov). The deadline for receipt of comments is 5:00 p.m., Central Time, on May 22, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

**Statutory Authority.** The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

##### *§882.2. General Application File Requirements.*

(a) To be complete, an application file must contain all information needed to determine an applicant's eligibility to sit for the required examinations, or the information and examination results needed to determine an applicant's eligibility for licensure. At a minimum, all applications for licensure must contain:

(1) An application in the form prescribed by the Council based on member board rules and corresponding fee(s);

(2) An official transcript from a properly accredited institution indicating the date the degree required for licensure was awarded or conferred. Transcripts must be received by the Council directly from the awarding institution, a transcript or credential delivery service, or a credentials bank that utilizes primary source verification;

(3) A fingerprint based criminal history record check through the Texas Department of Public Safety and the Federal Bureau of Investigation;

(4) A self-query report from the National Practitioner Data Bank (NPDB) reflecting any disciplinary history or legal actions taken against the applicant. A self-query report must be submitted to the agency as a PDF that ensures the self-query is exactly as it was issued by the NPDB (i.e., a digitally certified self-query response) or in the sealed envelope in which it was received from the NPDB;

(5) Verification of the citizenship and immigration status information of non-citizen, naturalized, or derived U.S. citizen applicants through the DHS-USCIS Systematic Alien Verification for Entitlements Program (SAVE). Applicants must submit the documentation and information required by the SAVE program to the Council;

(6) Examination results for any required examinations taken prior to applying for licensure;

(7) Documentation of any required supervised experience, supervision plans, and agreements with supervisors; and

(8) Any other information or supportive documentation deemed relevant by the Council and specified in its application materials.

(b) The Council will accept examination results and other documentation required or requested as part of the application process from a credentials bank that utilizes primary source verification

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 April 11, 2022.

TRD-202201305

Darrel D. Spinks

Executive Director

Texas Behavioral Health Executive Council

Earliest possible date of adoption: May 22, 2022

For further information, please call: (512) 305-7706



## SUBCHAPTER B. LICENSE

### 22 TAC §882.22

The Texas Behavioral Health Executive Council proposes amendments to §882.22, relating to Reinstatement of a License.

**Overview and Explanation of the Proposed Rule.** The proposed change is necessary to reflect the agency's ability to receive digitally certified self-query reports from the NPDB, rather than continuing to rely exclusively on self-query reports submitted by mail. The proposed change also clarifies that only a full license can be reinstated, and a transitory license used to obtain required experience for full licensure cannot.

**Fiscal Note.** Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state

or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

**Public Benefit.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to applicants, licensees, and the general public because the proposed rule will provide greater clarity and efficiency in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

**Probable Economic Costs.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

**Small Business, Micro-Business, and Rural Community Impact Statement.** Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

**Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities.** Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

**Local Employment Impact Statement.** Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

**Requirement for Rules Increasing Costs to Regulated Persons.** The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

**Government Growth Impact Statement.** For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

**Takings Impact Assessment.** Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

**Request for Public Comments.** Comments on the proposed rule may be submitted to Brenda Skiff, Executive

Assistant, Texas Behavioral Health Executive Council, 333 Guadalupe, Ste. 3-900, Austin, Texas 78701, or by email to [rules@bhec.texas.gov](mailto:rules@bhec.texas.gov). The deadline for receipt of comments is 5:00 p.m., Central Time, on May 22, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

#### §882.22. *Reinstatement of a License.*

(a) A person whose full license has expired or been retired, revoked, or resigned, may apply for reinstatement of the license. A person seeking re-licensure must apply for reinstatement, rather than applying for a new full license.

(b) An application for reinstatement shall be in writing and in the form prescribed by the Council.

(c) In the case of revocation or resignation, application for reinstatement shall not be made prior to one year after the effective date of the revocation or resignation or prior to any time period specified in the order of revocation or resignation. A person whose license was revoked under §108.053 may apply for reinstatement of the license if the person meets the requirements of §108.055 of the Occupations Code.

(d) A person seeking reinstatement of a license shall appear before the Council or member board to answer any questions or address any concerns raised by the person's application if requested by a council or board member or the Executive Director. Failure to comply with this paragraph shall constitute grounds for denial of the application for reinstatement.

(e) The Council may approve or deny an application for reinstatement, and in the case of a denial, the Council may also set a reasonable period that must elapse before another application may be filed. The Council may also impose reasonable terms and conditions that an applicant must satisfy before reinstatement of an unrestricted license.

(f) An application for reinstatement of an expired, retired, revoked, or resigned license may be granted upon proof of each of the following:

- (1) payment of the application fee;
- (2) submission of a self-query report from the National Practitioner Data Bank (NPDB) reflecting any disciplinary history or legal actions taken against the applicant. A self-query report must be submitted to the agency as a PDF that ensures the self-query is exactly as it was issued by the NPDB (i.e., a digitally certified self-query response) or in the sealed envelope in which it was received from the NPDB;

(3) a fingerprint based criminal history check which reflects no disqualifying criminal history;

(4) passage of any examinations required by a member board;

(5) documentation of any continuing education required by a member board; and

(6) submission of any other documentation or information requested in the application or which the Council or a member board may deem necessary in order to ensure the public's safety.

(g) The Council will evaluate each of the following criteria when considering reinstatement of an expired, revoked, or resigned license:

(1) circumstances surrounding the expiration, revocation, or resignation of the license;

(2) conduct of the applicant subsequent to the expiration, revocation, or resignation of the license;

(3) lapse of time since the expiration, revocation, or resignation of the license;

(4) compliance with all terms and conditions imposed by the Council or a member board in any previous order; and

(5) applicant's present qualification to practice the regulated profession based upon the history of related employment, service, education, or training, as well as the applicant's continuing education since the expiration, revocation, or resignation of the license.

(h) Notwithstanding time limits on original applications and examinations found elsewhere in these rules, an applicant seeking reinstatement of a license must submit all required documentation and information, and successfully pass all required examinations within the period specified by the Council. Failure to do so shall result in the application for reinstatement expiring.

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 April 11, 2022.

TRD-202201306

Darrel D. Spinks

Executive Director

Texas Behavioral Health Executive Council

Earliest possible date of adoption: May 22, 2022

For further information, please call: (512) 305-7706



## CHAPTER 884. COMPLAINTS AND ENFORCEMENT

### SUBCHAPTER C. DISCIPLINARY GUIDELINES AND SCHEDULE OF SANCTIONS

#### 22 TAC §884.20

The Texas Behavioral Health Executive Council proposes amendments to §884.20, relating to Disciplinary Guidelines and General Schedule of Sanctions.

Overview and Explanation of the Proposed Rule. The proposed amendment is necessary to correct a typographical error in subsection (a)(4) of the rule.

Fiscal Note. Darrel D. Spinks, Executive Director of the Executive Council, has determined that for the first five-year period the proposed rule is in effect, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to the state or local governments as a result of enforcing or administering the rule. Additionally, Mr. Spinks has determined that enforcing or administering the rule does not have foreseeable implications relating to the costs or revenues of state or local government.

Public Benefit. Mr. Spinks has determined for the first five-year period the proposed rule is in effect there will be a benefit to applicants, licensees, and the general public because the proposed rule will provide greater clarity in the Executive Council's rules. Mr. Spinks has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to help the Executive Council protect the public.

Probable Economic Costs. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no additional economic costs to persons required to comply with this rule.

Small Business, Micro-Business, and Rural Community Impact Statement. Mr. Spinks has determined for the first five-year period the proposed rule is in effect, there will be no adverse effect on small businesses, micro-businesses, or rural communities.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Mr. Spinks has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities. Thus, the Executive Council is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Tex. Gov't Code.

Local Employment Impact Statement. Mr. Spinks has determined that the proposed rule will have no impact on local employment or a local economy. Thus, the Executive Council is not required to prepare a local employment impact statement pursuant to §2001.022 of the Tex. Gov't Code.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed rule does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Tex. Gov't Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rule is necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Executive Council on licensees is not expected to increase.

Government Growth Impact Statement. For the first five-year period the proposed rule is in effect, the Executive Council estimates that the proposed rule will have no effect on government growth. The proposed rule does not create or eliminate a government program; it does not require the creation or elimination of employee positions; it does not require the increase or decrease in future legislative appropriations to this agency; it does not require an increase or decrease in fees paid to the agency; it does not create a new regulation; it does not expand an existing regulation; it does not increase or decrease the number of individuals subject to the rule's applicability; and it does not positively or adversely affect the state's economy.

Takings Impact Assessment. Mr. Spinks has determined that there are no private real property interests affected by the proposed rule. Thus, the Executive Council is not required to pre-

pare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

Request for Public Comments. Comments on the proposed rule may be submitted to Brenda Skiff, Executive Assistant, Texas Behavioral Health Executive Council, 333 Guadalupe, Ste. 3-900, Austin, Texas 78701, or by email to [rules@bhec.texas.gov](mailto:rules@bhec.texas.gov). The deadline for receipt of comments is 5:00 p.m., Central Time, on May 22, 2022, which is at least 30 days from the date of publication in the *Texas Register*.

Statutory Authority. The rule is proposed under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council proposes this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also proposes this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

No other code, articles or statutes are affected by this section.

§884.20. *Disciplinary Guidelines and General Schedule of Sanctions.*

(a) Purpose. These disciplinary sanction guidelines are designed to provide guidance in assessing sanctions for violations of the Occupations Code, Chapter 507, and the Council's rules. The purpose of disciplinary sanctions is to protect the public, deter future violations, offer opportunities for rehabilitation if appropriate, punish violators, and deter others from violations. These guidelines are intended to promote consistent sanctions for similar violations, facilitate timely resolution of cases, and encourage settlements.

(1) Single Violation. The standard disciplinary sanctions outlined in the applicable schedule of sanctions shall apply to cases involving a single violation, and in which there are no aggravating or mitigating factors.

(2) Multiple Violations. The Council may impose more severe or restrictive sanctions for multiple violations.

(3) Aggravating and Mitigating Factors. The Council may impose more or less severe or restrictive sanctions, based on any aggravating and/or mitigating factors that are found to apply in a particular case.

(4) The standard and minimum disciplinary sanctions outlined below are applicable to persons who are being sanctioned for the first time. The Council may consider more severe or restrictive sanctions if a person has had a sanction [the persons have had sanctioned] assessed against them previously.

(5) The maximum disciplinary sanction in all cases is revocation of the license, which may be accompanied by an administrative penalty of up to \$5,000 per violation. In accordance with §507.352 of the Occupations Code, each day the violation continues or occurs is a separate violation.

(6) Each violation constitutes a separate offense, even if arising out of a single act.

(7) Failure to list a specific violation or Council rule in this rule does not prevent the Council from taking disciplinary action for such a violation.

(8) If a sanction for a violation of state or federal law is not listed in this rule, or specifically stated elsewhere, the sanction shall be a reprimand and administrative penalty.

(9) Notwithstanding paragraph (8) of this subsection, the Council will evaluate and determine the appropriate sanction for a licensee with a qualifying criminal conviction in accordance with §53.021 of the Occupations Code.

(10) The Council may combine an administrative penalty with another standard disciplinary sanction to protect the public or deter future violations.

(b) **Standard Disciplinary Sanctions.** The Council may impose the following disciplinary sanctions which are listed in descending order of severity:

- (1) Revocation;
- (2) Suspension for a definite period of time;
- (3) Suspension plus probation of any or all of the suspension period;
- (4) Probation of the license for a definite period of time;
- (5) Reprimand; and
- (6) Administrative penalty.

(c) The following standard disciplinary sanctions shall apply to violations of:  
Figure: 22 TAC §884.20(c) (No change.)

(d) **Additional Conditions.** The Council may impose additional conditions or restrictions upon a license deemed necessary to facilitate the rehabilitation and education of the licensee and to protect the public, including but not limited to:

- (1) Consultation with the licensee on matters of ethics rules, laws and standards of practice by a licensed professional approved by the Council;
- (2) Restrictions on the licensee's ability to provide certain types of services or to provide services to certain classes of patients;
- (3) Restrictions on the licensee's supervision of others in a particular area of practice;
- (4) Completion of a specified number of continuing education hours on specified topics approved in advance by the Council in addition to any minimum number required of all licensees as a condition of licensure;
- (5) Taking and passing with the minimum required score of any examination required by the Council of a licensee; and
- (6) Undergoing a psychological or medical evaluation by a qualified professional approved in advance by the Council and undergoing any treatment recommended pursuant to the evaluation.

(e) **Aggravating Factors.** Aggravating factors are those which may increase the severity of unprofessional conduct, justifying the imposition of a more severe penalty. Such factors include, but are not limited to the following:

- (1) Physical or emotional harm and the type and severity thereof;
- (2) Economic harm to any individual or entity and the severity thereof;

- (3) Increased potential for harm to the public;
  - (4) Attempted concealment of misconduct;
  - (5) Premeditated conduct;
  - (6) Intentional misconduct;
  - (7) Prior written warnings or written admonishments from any supervisor or governmental agency or official regarding statutes or regulations pertaining to the licensee's practice;
  - (8) Prior misconduct of a similar or related nature;
  - (9) Disciplinary history;
  - (10) Likelihood of future misconduct of a similar nature;
  - (11) Violation of a Council order;
  - (12) Failure to implement remedial measures to correct or alleviate harm arising from the misconduct;
  - (13) Lack of rehabilitative effort or potential; and
  - (14) Improper or inappropriate motive.
- (f) **Mitigating Factors.** Mitigating factors are those which may reduce the severity of unprofessional conduct. Such factors include, but are not limited to the following:
- (1) Acceptance of responsibility;
  - (2) Self-reporting of unprofessional conduct;
  - (3) Implementation of remedial measures to correct or mitigate harm arising from the unprofessional conduct;
  - (4) Good-faith motive;
  - (5) Rehabilitative efforts or potential; and
  - (6) Prior community service.

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

Filed with the Office of the Secretary of State on April 11, 2022.

TRD-202201307

Darrel D. Spinks

Executive Director

Texas Behavioral Health Executive Council

Earliest possible date of adoption: May 22, 2022

For further information, please call: (512) 305-7706



## TITLE 28. INSURANCE

### PART 1. TEXAS DEPARTMENT OF INSURANCE

#### CHAPTER 1. GENERAL ADMINISTRATION

The Texas Department of Insurance (TDI) proposes to amend the title of 28 TAC Chapter 1, Subchapter H, and §§1.901, 1.903, and 1.905 and repeal 28 TAC §§1.902, 1.904, and 1.906 - 1.911, concerning emergency cease and desist orders. The proposed amendments and repeals implement §§3 - 5 of Senate Bill 1809, 87th Legislature, 2021, and House Bill 1461, 73rd Legislature, 1993.

EXPLANATION. As it relates to emergency cease and desist orders, SB 1809 (1) establishes different criteria for issuing orders against authorized and unauthorized persons, (2) extends the deadline to the 60th day after the order is served for an affected person to request a hearing, (3) requires TDI to docket the case with the State Office of Administrative Hearings within 30 days of receiving the hearing request, and (4) requires the person requesting the hearing to show why the order should not be affirmed. HB 1461 shifted most of the Board of Insurance's authority to the Commissioner of Insurance on September 1, 1993, including the authority to issue emergency cease and desist orders.

The proposed amendment to the title of Subchapter H adds the word "Emergency" before the current words "Cease and Desist Orders," to clarify that the subchapter applies to emergency cease and desist orders issued under the Commissioner's authority granted in Insurance Code Chapter 83. Amendments to §§1.901, 1.903, and 1.905 align these sections with current statutes and update agency name references. And the repeal of §§1.902, 1.904, and 1.906 - 1.911 removes sections that are outdated, obsolete, or unnecessary.

The proposed amendments to and repeal of the sections are described in the following paragraphs.

Section 1.901. Amendments to §1.901 replace "State Board of Insurance" with "Texas Department of Insurance" to reflect the agency's current name and capitalize the phrase "commissioner of insurance" to conform with the agency's current style.

Section 1.903. Amendments to §1.903:

- align the required contents for an order with the current statutory criteria for issuing emergency cease and desist orders;
- insert the phrase "emergency cease and desist" before the word "order" in the section's title and the first sentence of the section;
- replace the existing language "person against whom the order is entered" with the phrase "affected person" throughout the section to reflect the statutory language;
- change the text of current paragraph (2) to update the language so that it fully addresses conduct that could support issuing a cease and desist order under Insurance Code §83.051;
- copy the language from current paragraph (5) into a new paragraph (3), with modifications to improve its clarity;
- incorporate the existing language of paragraph (3) into a new paragraph (4), breaking the text into subparagraphs (A), (B), and (C) and revising it for clarity and consistency with Insurance Code §83.053 and the other proposed amendments; and
- redesignate existing paragraph (4) as paragraph (5) and revise it for clarity and consistency with the other proposed amendments.

Section 1.905. An amendment to §1.905 changes the deadline for an affected person to request a hearing to the 60th day after the order is served, to reflect the timeframe provided by Insurance Code §83.053. Another amendment requires TDI's chief clerk, rather than the affected person, to provide a copy of the hearing request to TDI staff. In addition, the proposed amendments change nonsubstantive editorial and formatting elements to conform the section to the agency's current style and to improve clarity. Also, the phrase "emergency cease and desist" is

inserted before the word "order" and "State Board of Insurance" is replaced with "Texas Department of Insurance."

Repeal of §§1.902, 1.904, and 1.906 - 1.911. TDI repeals §§1.902, 1.904, and 1.906 - 1.911 because they are outdated, obsolete, or unnecessary.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Leah Gillum, deputy commissioner of the Fraud and Enforcement Division, has determined that during each year of the first five years the proposed amendments and repeals are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering them, other than that imposed by the statute. Ms. Gillum made this determination because the amendments and repeals as proposed do not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with them.

Ms. Gillum does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed amendments and repeals are in effect, Ms. Gillum expects that administering them will have the public benefit of ensuring that TDI's rules are accurate and transparent by reflecting the current Insurance Code §§83.051, 83.053, and 83.054 and including updated Insurance Code citations and the current state agency name.

Ms. Gillum does not expect that the proposed amendments and repeals will impose new economic costs on persons required to comply with them. Any associated costs are due to statute or other current regulatory requirements.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the proposed amendments and repeals will not have an adverse economic effect on small or micro businesses, or on rural communities. As a result, and in accordance with Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. TDI has determined that this proposal does not impose a possible cost on regulated persons. Even if there was a cost, no additional rule amendments would be required under Government Code §2001.0045 because the proposed amendments to §§1.901, 1.903, and 1.905 are necessary to implement legislation. The proposed amendments implement HB 1461 and SB 1809.

GOVERNMENT GROWTH IMPACT STATEMENT. TDI has determined that for each year of the first five years that the proposed amendments and repeals are in effect, they:

- 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 a new regulation;
- will not expand or limit an existing regulation, but will repeal existing regulations;

- will not increase or decrease the number of individuals subject to the rules' applicability; and

- will not positively or adversely affect the Texas economy.

**TAKINGS IMPACT ASSESSMENT.** TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

**REQUEST FOR PUBLIC COMMENT.** TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on May 23, 2022. Send your comments to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC-GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

To request a public hearing on the proposal, submit a request before the end of the comment period to ChiefClerk@tdi.texas.gov or to the Office of the Chief Clerk, MC-GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030. The request for public hearing must be separate from any comments and received by TDI no later than 5:00 p.m., central time, on May 23, 2022. If TDI holds a public hearing, TDI will consider written and oral comments presented at the hearing.

## SUBCHAPTER H. EMERGENCY CEASE AND DESIST ORDERS

### 28 TAC §§1.901, 1.903, 1.905

**STATUTORY AUTHORITY.** TDI proposes amendments to the title of 28 TAC Chapter 1, Subchapter H, and to §§1.901, 1.903, and 1.905 under Insurance Code §83.003 and §36.001.

Insurance Code §83.003 provides that the Commissioner may adopt reasonable rules to implement Chapter 83.

Insurance Code §36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

**CROSS-REFERENCE TO STATUTE.** Subchapter H of 28 TAC Chapter 1 implements Insurance Code Chapter 83. Section 1.901 implements Insurance Code §83.051(a). Section 1.903 implements Insurance Code §83.052. Section 1.905 implements Insurance Code §83.053.

#### *§1.901. Issuance of Emergency Cease and Desist Orders.*

The Commissioner [commissioner] of Insurance [insurance] may issue an emergency cease and desist order, ex parte, upon application by the staff of the Texas Department [State Board] of Insurance.

#### *§1.903. Contents of the Emergency Cease and Desist Order.*

An emergency cease and desist [The] order will [must] contain the following [information]:

(1) the name and last known address of the affected person [against whom the order is entered];

(2) a short and plain statement of the [immediate danger to the public safety, or of the] alleged conduct that supports issuing the order under Insurance Code §83.051 [which is causing or which is reasonably expected to cause significant, imminent, and irreparable public injury justifying the issuance of the order, and of the factual bases of the order];

(3) a requirement that the affected person immediately cease and desist from the described conduct, acts, methods, or practices;

(4) [(3)] a statement of the rights of the affected person to request [against whom the order is entered with regard to requesting] a hearing to contest the order. [show that the cease and desist order should not be affirmed. (] This statement will [must] include:

(A) [a reference to] the specific statutes or rules found to have been violated;[;]

(B) a statement of [the] legal authority and jurisdiction under which the order is issued;[;]

(C) [specific reference to] the time limit for requesting a hearing to contest [review] the order, including citation to Insurance Code Chapter 83 and this subchapter;

(D) notice [and reference to the statute or statutes in which the time limit is contained. This statement must include the fact] that the burden of requesting the hearing is on the affected person [against whom the order was entered]; and

(5) [(4)] a statement of the penalties that [which] may be assessed against the affected person if the affected person violates the order. [against whom the order was entered in the event of violation of the order; and]

[(5) a requirement that the person against whom the order is entered immediately cease and desist from the acts, methods, or practices stated.]

#### *§1.905. Request for Hearing on Emergency Cease and Desist Orders.*

A person who is [adversely] affected by the issuance of an emergency [a] cease and desist order and who desires a hearing regarding such order must file a written request for hearing with the chief [docket] clerk of the Texas Department [hearings section of the State Board] of Insurance no later than the 60th [30th] day after the date on which the person is served [receives] the order. The chief clerk will send a copy of the request to the TDI staff attorney responsible for representing TDI at the hearing. [person filing the written request for hearing must send copies of the request for hearing to the commissioner of insurance, to the attention of the docket clerk of the hearings section, with copies sent to the staff of the State Board of Insurance, if known.]

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 April 7, 2022.

TRD-202201295

James Person

General Counsel

Texas Department of Insurance

Earliest possible date of adoption: May 22, 2022

For further information, please call: (512) 676-6587



## SUBCHAPTER H. CEASE AND DESIST ORDERS

### 28 TAC §§1.902, 1.904, 1.906 - 1.911

**STATUTORY AUTHORITY.** TDI proposes to repeal §§1.902, 1.904, and 1.906 - 1.911 under Insurance Code §83.003 and §36.001.

Insurance Code §83.003 provides that the Commissioner may adopt reasonable rules to implement Chapter 83.

Insurance Code §36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

CROSS-REFERENCE TO STATUTE. The proposed repeal of §1.907 implements SB 1809, 87th Legislature, 2021. The proposed repeal of §1.911 implements HB 1461, 73rd Legislature, 1993. The proposed repeal of §§1.902, 1.904, 1.906, and 1.908 - 1.910 implement Insurance Code Chapter 83.

§1.902. *Criteria for Issuance of Emergency Cease and Desist Orders.*

§1.904. *Service of Emergency Cease and Desist Orders.*

§1.906. *When the Hearing Must Be Held.*

§1.907. *Agreements To Hold the Hearing at a Later Date.*

§1.908. *Notice of Hearing on Emergency Cease and Desist Orders.*

§1.909. *Burden of Proof.*

§1.910. *Motion for Stay.*

§1.911. *Appeal to 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 April 7, 2022.

TRD-202201294

James Person

General Counsel

Texas Department of Insurance

Earliest possible date of adoption: May 22, 2022

For further information, please call: (512) 676-6587



## PART 6. OFFICE OF INJURED EMPLOYEE COUNSEL

### CHAPTER 276. GENERAL ADMINISTRATION SUBCHAPTER A. GENERAL PROVISIONS

#### 28 TAC §276.1, §276.6

INTRODUCTION. The Office of Injured Employee Counsel (OIEC) proposes amendments to existing rules at 28 Texas Administrative Code (TAC), Chapter 276, Subchapter A, §276.1 and §276.6. The proposed amendments update rules to maintain consistency with statute and agency rules and to reflect the most current agency contact information.

REASONED JUSTIFICATION. OIEC identified a number of rules that required updates during the agency's rule review under Texas Government Code §2001.039, which requires a state agency to review each of its rules every four years. The agency identified rules that are outdated, inconsistent with statutory language, or fail to clarify the language and purpose of statutes.

The proposed amendment to §276.1, Definitions, removes the requirement for ombudsmen to have an adjuster's license. The requirement of an adjuster's license is not required under the

Labor Code. This change also makes the rule consistent with §276.10.

The proposed amendment to §276.6, Notice of Injured Employee Rights and Responsibilities, updates the rule with the most current information about the Office of Injured Employee Counsel. This change is part of a general effort to remove complexity from and add accuracy and clarity to agency rules.

FISCAL NOTE. Mrs. Andria Franco, Deputy Public Counsel, has determined that for each year of the first five years the amendments are in effect, there will be no fiscal impact to state or local governments that provide workers' compensation coverage as a result of enforcing or administering the amendments. There will be no measurable effect on local employment or the local economy because of the proposed amendments.

PUBLIC BENEFIT. Mrs. Franco has also determined that, for each of the first five years amended §276.1 and §276.6 are in effect, there are several public benefits anticipated, as well as potential, minimal costs for persons to comply with the proposal.

The amendment to §276.1 will remove potential confusion by removing an unnecessary provision not required by the Labor Code and ensure consistency with other agency rules.

The amendment to §276.6 will remove potential confusion by reflecting the most updated contact information for the Office of Injured Employee Counsel. The amendment will also more accurately convey where notices may be obtained.

ANTICIPATED COSTS TO COMPLY WITH THE PROPOSAL. Mrs. Franco anticipates there will be no costs to comply with these rules. The proposed changes impact internal agency operations, accuracy, and provide current contact information, which should decrease the regulatory burden on system participants. Because OIEC has determined the proposed amendments will have no costs to system participants, Government Code §2001.0045 does not apply.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL AND MICRO BUSINESSES, AND RURAL COMMUNITIES. In accordance with Government Code §2006.002(c), OIEC has determined that adoption of the proposed amendments will not have a direct, adverse economic impact on small or micro-businesses or rural communities who may be self-insured insurance carriers.

GOVERNMENT GROWTH IMPACT STATEMENT. Government Code §2001.0221 requires that a state agency prepare a government growth impact statement describing the effects a proposed rule may have during the first five years that the rule would be in effect. The proposed rule amendments will not create or eliminate a government program and will not require an increase or decrease in fees. Implementation of the proposed rule amendments will not create or eliminate employee positions and will not require an increase or decrease in future legislative appropriations to the agency. The proposed amendments do not change the number of individuals subject to the rules' applicability. The proposed amendments will not significantly affect the state's economy.

ONE-FOR-ONE RULE REQUIREMENT FOR RULES WITH A FISCAL IMPACT.

Under Government Code §2001.0045, a state agency may not adopt a proposed rule if the fiscal note states that the rule imposes a cost on regulated persons, including another state



agency, a special district, or a local government, unless the state agency: (a) repeals a rule that imposes a total cost on regulated persons that is equal to or greater than the total cost imposed on regulated persons by the proposed rule; or (b) amends a rule to decrease the total cost imposed on regulated persons by an amount that is equal to or greater than the cost imposed on the persons by the proposed rule. The proposed rule amendments will not impose any additional costs on regulated persons.

**TAKINGS IMPACT ASSESSMENT.** OIEC has determined that no private real property interests are affected by this proposal, and these amendments do not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. Therefore, this proposal does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

**REQUEST FOR PUBLIC COMMENT.** To be considered, written comments on the proposal must be received no later than 5:00 p.m. on May 20, 2022, to Kathleen Contreras, Mail Code 50, at 7551 Metro Center Drive, Austin, Texas 78744, or via email to [kathleen.contreras@oiec.texas.gov](mailto:kathleen.contreras@oiec.texas.gov). Any requests for a public hearing should be submitted separately to the Public Counsel.

**STATUTORY AUTHORITY.** Labor Code §404.006 authorizes the Public Counsel to adopt rules as necessary to implement Chapter 404 of the Labor Code.

**CROSS REFERENCE TO STATUTE.** The proposed amendments to 28 TAC §276.1 affect Tex. Lab. Code §404.151 and 28 TAC §276.10. The proposed amendments to 28 TAC §276.6 affect Tex. Lab. Code §404.109.

No other statutes, articles, or codes are affected by the proposed new rules.

*§276.1. Definitions.*

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

(1) (No change.)

(2) Ombudsman--A specially trained employee of the Office of Injured Employee Counsel (OIEC) who assists injured employees with disputes in the workers' compensation system. ~~[An ombudsman shall have a workers' compensation adjuster's license and complete a comprehensive training program designed specifically for OIEC ombudsmen. An ombudsman shall assist injured employees with benefit review conferences, contested case hearings, preparation of appeals, and other matters in the workers' compensation system.]~~

*§276.6. Notice of Injured Employee Rights and Responsibilities.*

(a) - (b) (No change.)

(c) The Notice may be obtained from:

(1) the Office of Injured Employee Counsel's website at [www.oiec.texas.gov](http://www.oiec.texas.gov) or at the physical location located at 1601 Congress Avenue, Austin, Texas 78701 [7551 Metro Center Drive, Austin, Texas 78744]; or

(2) Texas Department of Insurance, Division of Workers' Compensation website at [www.tdi.texas.gov](http://www.tdi.texas.gov) or at the physical location located at 1601 Congress Avenue, Austin, Texas 78701 [7551 Metro Center Drive, Austin, Texas 78744].

(d) (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 April 8, 2022.

TRD-202201299

Benjamin De Leon

Regional Staff Attorney

Office of Injured Employee Counsel

Earliest possible date of adoption: May 22, 2022

For further information, please call: (512) 804-4194



## 28 TAC §276.5

**INTRODUCTION.** The Office of Injured Employee Counsel (OIEC) proposes an amendment to existing rule 28 Texas Administrative Code (TAC), Chapter 276, Subchapter A, §276.5. The proposed amendment updates the rule to maintain consistency with statute and agency rules.

**REASONED JUSTIFICATION.** The proposed amendment to §276.5, Employer's Notification of Ombudsman Program to Employees, removes a reference to an adjuster's license located in the attached graphic found in §276.5(c) titled: "NOTICE TO EMPLOYEES CONCERNING ASSISTANCE AVAILABLE IN THE WORKERS' COMPENSATION SYSTEM FROM THE OFFICE OF INJURED EMPLOYEE COUNSEL". An adjuster's license is not required under the Labor Code. This change also makes the rule consistent with §§276.1 and 276.10.

**FISCAL NOTE.** Mrs. Andria Franco, Deputy Public Counsel, has determined that for each year of the first five years the amendment is in effect, there will be a *de minimis* fiscal impact to state or local governments that provide workers' compensation coverage as a result of enforcing or administering the amendment, except to the extent set forth below. There will be no measurable effect on local employment or the local economy because of the proposed amendment.

**PUBLIC BENEFIT/COST NOTE.** Mrs. Franco has also determined that, for each of the first five years amended §276.5 is in effect, there are several public benefits anticipated, as well as potential, minimal costs for persons to comply with the proposal.

The amendment to §276.5 will remove potential confusion by eliminating an unnecessary provision not required by the Labor Code and ensure consistency with other agency rules.

Mrs. Franco anticipates that there will be an initial, minimal cost to employers required to comply with the amendment and no further costs during each year of the first five years that the rule will be in effect. OIEC notes that a posting notice may be printed on one 8.5" x 11" piece of paper, with an estimated printing cost of \$.10 per page. OIEC will provide on its website a compliant posting notice that employers may download, print, and post to comply with the notice requirements under §276.5.

**ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL AND MICRO BUSINESSES, AND RURAL COMMUNITIES.** In accordance with Government Code §2006.002(c), OIEC has determined that the proposal may have a *de minimis* economic effect on small and micro-businesses and rural communities.

The agency offers the following regulatory flexibility analysis regarding the impact on small and micro-businesses and rural communities. The agency has determined that the adoption of §276.5(c) may have an economic impact on small and micro-businesses employers and employers in rural communities. We estimate that each small and micro-business, and rural

community employer, participating in the workers' compensation system will need to update their Ombudsman Program notices. The estimated cost of printing the notice is \$.10 per notice. In accordance with Government Code §2006.002(c-1), the agency considered other regulatory methods to accomplish the objectives of the proposal that will also minimize any impact on small and micro-businesses and rural communities.

Other regulatory methods considered by the agency to accomplish the objectives of the proposal to minimize any adverse impact on small and micro-businesses and rural communities included: (i) email notification, (ii) text or short message service notification, and (iii) notification via web posting.

**Email Notification.** Employers and employees may not control the deliverability of email messages. Even if the employer sent an email notification to an employee, a third-party email provider could filter out the message or send the message to a junk mail or other folders without the employee's or the employer's knowledge. In addition, this option requires that employees have access to an internet connection. Email provides no guarantee the employee will ever have an opportunity to read the notice. The agency has rejected this option.

**Text or Short Message Service Notification.** While many cellular carriers offer free text message services, some do not. Therefore, the employee might be charged to receive a notification via text message. The cost of sending text messages to numerous employees is not necessarily less expensive than printing one piece of paper. The agency has rejected this option.

**Web posting.** A notice posted on a web page would only be seen by an employee visiting a specific page. In addition, a web-based notice requires access to internet service. For employees working in remote areas, internet service might not be available. The agency has rejected this option.

Small and micro-businesses and rural communities who do not have the ability to print their own notices may request a printed copy from OIEC.

The agency, after considering the purpose of the authorizing statutes, does not believe it is feasible to modify the requirements of the proposal for small and micro-businesses and rural communities.

**GOVERNMENT GROWTH IMPACT STATEMENT.** Government Code §2001.0221 requires that a state agency prepare a government growth impact statement describing the effects a proposed rule may have during the first five years that the rule would be in effect. The proposed rule amendment will not create or eliminate a government program and will not require an increase or decrease in fees. Implementation of the proposed rule amendment will not create or eliminate employee positions and will not require an increase or decrease in future legislative appropriations to the agency. The proposed amendment does not change the number of individuals subject to the rule's applicability. The proposed amendment will not significantly affect the state's economy.

**ONE-FOR-ONE RULE REQUIREMENT FOR RULES WITH A FISCAL IMPACT.** Under Government Code §2001.0045, a state agency may not adopt a proposed rule if the fiscal note states that the rule imposes a cost on regulated persons, including another state agency, a special district, or a local government, unless the state agency: (a) repeals a rule that imposes a total cost on regulated persons that is equal to or greater than the total cost imposed on regulated persons by the proposed rule; or

(b) amends a rule to decrease the total cost imposed on regulated persons by an amount that is equal to or greater than the cost imposed on the persons by the proposed rule. There are exceptions for certain types of rules under §2001.0045(c).

Proposed amendment to §276.5(c) is necessary to implement changes under §§276.1 and 276.10, and to better comport with the Texas Labor Code, which does not require an adjuster's license for ombudsmen. The rule is required by Texas Labor Code §404.109 and HB 7, 79th Legislature, Regular Session (2005); therefore, this proposed amendment falls under exception §2001.0045(c)(9).

**TAKINGS IMPACT ASSESSMENT.** OIEC has determined that no private real property interests are affected by this proposal, and this amendment does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. Therefore, this proposal does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

**REQUEST FOR PUBLIC COMMENT.** To be considered, written comments on the proposal must be submitted no later than 5:00 p.m. on May 20, 2022, to Kathleen Contreras, Mail Code 50, at 7551 Metro Center Drive, Austin, Texas 78744, or via email to [kathleen.contreras@oiec.texas.gov](mailto:kathleen.contreras@oiec.texas.gov). Any requests for a public hearing should be submitted separately to the Public Counsel.

**STATUTORY AUTHORITY.** Labor Code §404.006 authorizes the Public Counsel to adopt rules as necessary to implement Chapter 404 of the Labor Code.

**CROSS REFERENCE TO STATUTE.** The proposed amendment to 28 Texas Administrative Code §276.5 affects Tex. Lab. Code §404.153. No other statutes, articles, or codes are affected by the proposed new rule.

*§276.5. Employer's Notice of Ombudsman Program and First Responder Liaison to Employees.*

(a) All employers participating in the workers' compensation system shall post notice of the Office of Injured Employee Counsel's (OIEC) Ombudsman Program. This notice shall be posted in the workplace where each employee is likely to see the notice on a regular basis.

(b) (No change.)

(c) The text of the notice shall be as follows without any additional words or changes:

Figure: 28 TAC §276.5(c)

[Figure: 28 TAC §276.5(e)]

(d) (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 April 8, 2022.

TRD-202201300

Benjamin De Leon

Regional Staff Attorney

Office of Injured Employee Counsel

Earliest possible date of adoption: May 22, 2022

For further information, please call: (512) 804-4194



## SUBCHAPTER B. OMBUDSMAN PROGRAM

## 28 TAC §276.12

**INTRODUCTION.** The Office of Injured Employee Counsel (OIEC) proposes the repeal of existing rule 28 Texas Administrative Code (TAC), Chapter 276, Subchapter B, §276.12. The information in this rule is found in the Texas Labor Code and in OIEC policy. The rule is not necessary and should be repealed.

**REASONED JUSTIFICATION.** OIEC identified a number of rules that required updates during the agency's rule review under Texas Government Code §2001.039, which requires a state agency to review each of its rules every four years. The agency identified rules that are redundant with Labor and Government Code provisions governing OIEC or have procedures not required under the statute. Internal policies have been enacted to address the rule requirements. As a result, many of the rules are unnecessary.

The proposed repeal of §276.12, Procedures for Private Meetings with Unrepresented Injured Employees Prior to a Workers' Compensation Proceeding, eliminates a requirement that is already found in Texas Labor Code §404.151, which addresses the procedures for meetings with unrepresented injured employees prior to an informal or formal hearing. In addition, existing OIEC policy addresses the rule content. As a result, the agency rule is not necessary.

**FISCAL NOTE.** Mrs. Andria Franco, Deputy Public Counsel, has determined that for each year of the first five years the proposed repeal is in effect, there will be no fiscal impact to state or local governments that provide workers' compensation coverage as a result of enforcing or administering the repeal. There will be no measurable effect on local employment or the local economy because of the proposed repeal.

**PUBLIC BENEFIT.** Mrs. Franco has also determined that, for each year of the first five years the proposed repeal is in effect, the proposed repeal will have the public benefit of eliminating redundant regulation and additional procedures not required under Texas Labor Code §404.151.

**ANTICIPATED COSTS TO COMPLY WITH THE PROPOSAL.** Mrs. Franco anticipates there will be no costs to comply with the repeal of the rules. The proposed changes impact internal agency operations, which should decrease the regulatory burden on system participants. Because OIEC has determined the proposed repeal of this rule will have no costs to system participants, Government Code §2001.0045 does not apply.

**ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL AND MICRO BUSINESSES, AND RURAL COMMUNITIES.** In accordance with Government Code §2006.002(c), OIEC has determined that adoption of the proposed repeal will not have a direct, adverse economic impact on small or micro-businesses or rural communities who may be self-insured insurance carriers.

**GOVERNMENT GROWTH IMPACT STATEMENT.** Government Code §2001.0221 requires that a state agency prepare a government growth impact statement describing the effects that a proposed rule may have during the first five years that the rule would be in effect. The proposed repeal of this rule will not create or eliminate a government program and will not require an increase or decrease in fees. Implementation of the proposal will not create or eliminate employee positions and will not require an increase or decrease in future legislative appropriations to the agency.

The proposed repeal deletes §276.12. The proposed repeal does not change the number of individuals subject to the rule's applicability. The proposed repeal will not significantly affect the state's economy.

### ONE-FOR-ONE RULE REQUIREMENT FOR RULES WITH A FISCAL IMPACT.

Under Government Code §2001.0045, a state agency may not adopt a proposed rule if the fiscal note states that the rule imposes a cost on regulated persons, including another state agency, a special district, or a local government, unless the state agency: (a) repeals a rule that imposes a total cost on regulated persons that is equal to or greater than the total cost imposed on regulated persons by the proposed rule; or (b) amends a rule to decrease the total cost imposed on regulated persons by an amount that is equal to or greater than the cost imposed on the persons by the proposed rule. The proposal will not impose any additional costs on regulated persons.

**TAKINGS IMPACT ASSESSMENT.** OIEC has determined that no private real property interests are affected by this proposal, and this amendment does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. Therefore, this proposal does not constitute a taking or require a takings impact assessment under the Government Code §2007.043.

**REQUEST FOR PUBLIC COMMENT.** To be considered, written comments on the proposal must be received no later than 5:00 p.m. on May 20, 2022, to Kathleen Contreras, Mail Code 50, at 7551 Metro Center Drive, Austin, Texas 78744, or via email to [kathleen.contreras@oiec.texas.gov](mailto:kathleen.contreras@oiec.texas.gov). Any requests for a public hearing should be submitted separately to the Public Counsel.

**STATUTORY AUTHORITY.** Labor Code §404.006 authorizes the Public Counsel to adopt rules as necessary to implement Chapter 404 of the Labor Code.

**CROSS REFERENCE TO STATUTE.** The proposed repeal of 28 TAC §276.12 affects Tex. Lab. Code §404.151. No other statutes, articles, or codes are affected by the proposed repeal.

*§276.12. Procedures for Private Meetings with Unrepresented Injured Employees Prior to a Workers' Compensation Proceeding.*

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 April 8, 2022.

TRD-202201298

Benjamin De Leon

Regional Staff Attorney

Office of Injured Employee Counsel

Earliest possible date of adoption: May 22, 2022

For further information, please call: (512) 804-4194

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

#### CHAPTER 51. EXECUTIVE

## SUBCHAPTER O. ADVISORY COMMITTEES

### 31 TAC §§51.601, 51.606 - 51.614, 51.631, 51.671, 51.672

The Texas Parks and Wildlife Department (the department) proposes amendments to 31 TAC §§51.601, 51.606 - 51.614, 51.631, 51.671, and 51.672, concerning Advisory Committees. The proposed amendments would establish an expiration date of July 1, 2026 for the following advisory committees: White-tailed Deer Advisory Committee (WTDAC), Migratory Game Bird Advisory Committee (MGBAC), Upland Game Bird Advisory Committee (UGBAC), Private Lands Advisory Committee (PLAC), Bighorn Sheep Advisory Committee (BSAC), Wildlife Diversity Advisory Committee (WDAC), Mule Deer Advisory Committee (MDAC), Urban Outreach Advisory Committee (UOAC), Accessibility Advisory Committee (AAC), Freshwater Fisheries Advisory Committee (FFAC), State Parks Advisory Committee (SPAC), and Coastal Resources Advisory Committee (CRAC). The proposed amendments also realign the terms of current advisory committee members to facilitate the beginning of new terms on July 1, 2022.

Unless extended, these advisory committees will expire by rule on July 1, 2022. The department believes that these advisory committees continue to perform a valuable service for the department. Therefore, the department wishes to continue these advisory committees.

Parks and Wildlife Code, §11.0162, authorizes the Chairman of the Texas Parks and Wildlife Commission (the Commission) to "appoint committees to advise the commission on issues under its jurisdiction." Government Code, Chapter 2110, requires that rules be adopted regarding each state agency advisory committee. Unless otherwise provided by specific statute, the rules must (1) state the purpose of the committee; (2) describe the manner in which the committee will report to the agency; and (3) establish the date on which the committee will automatically be abolished, unless the advisory committee has a specific duration established by statute.

The proposed amendment to §51.611, concerning Wildlife Diversity Advisory Committee (WDAC), also removes rule language that is nonsubstantive and unnecessary.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years the amendments are in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Mr. Macdonald also has determined that for each of the first five years the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the rules as proposed will be to ensure proper management and effective use of department advisory committees.

There will be no adverse economic effect on persons required to comply with the amendments as proposed.

The department has determined that small or micro-businesses and rural communities will not be affected by the proposed rules. Accordingly, the department has not prepared a regulatory flexibility analysis under Government Code, Chapter 2006.

The department has not filed a local impact statement with the Texas Workforce Commission as required by the Administrative Procedures Act, §2001.022, as the agency has determined that the rules as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rules.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rules.

In compliance with the requirements of Government Code, §2001.0241, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation; not expand, limit, or repeal an existing regulation; neither increase nor decrease the number of individuals subject to regulation; and neither positively nor negatively affect the state's economy.

Comments on the proposed rules may be submitted to Robert Macdonald, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4775; by email at [robert.macdonald@tpwd.state.tx.us](mailto:robert.macdonald@tpwd.state.tx.us), or via the department website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov).

The amendments are proposed under the authority of Parks and Wildlife Code, §11.0162 and Government Code, §2110.005 and §2110.008.

The proposed amendments affect Parks and Wildlife Code, §11.0162.

#### §51.601. *General Requirements.*

(a) - (e) (No change.)

(f) Term of members. Unless expressly provided in this subchapter or other law, the term of advisory committee members shall be as follows:

(1) The term of each member of an agency advisory committee who was appointed prior to January 1, 2022 [2018] will expire on July 1, 2022 [2018].

(2) The term of each member of an agency advisory committee member appointed on or after January 1, 2022 [2018] will expire July 1, 2026 [2022].

(g) - (m) (No change.)

#### §51.606. *White-tailed Deer Advisory Committee (WTDAC).*

(a) - (c) (No change.)

(d) The WTDAC shall expire on July 1, 2026 [2022].

#### §51.607. *Migratory Game Bird Advisory Committee (MGBAC).*

(a) - (c) (No change.)

(d) The MGBAB shall expire on July 1, 2026 [2022].

#### §51.608. *Upland Game Bird Advisory Committee (UGBAC).*

(a) - (c) (No change.)

(d) The UGBAC shall expire on July 1, 2026 [2022].

#### §51.609. *Private Lands Advisory Committee (PLAC).*

(a) - (c) (No change.)

(d) The PLAC shall expire on July 1, 2026 [2022].

§51.610. *Bighorn Sheep Advisory Committee (BSAC).*

(a) - (c) (No change.)

(d) The BSAC shall expire on July 1, 2026 [2022].

§51.611. *Wildlife Diversity Advisory Committee (WDAC).*

(a) - (c) (No change.)

(d) The WDAC shall expire on July 1, 2026 [2022].

§51.612. *Mule Deer Advisory Committee (MDAC).*

(a) - (c) (No change.)

(d) The MDAC shall expire on July 1, 2026 [2022].

§51.613. *Urban Outreach Advisory Committee (UOAC).*

(a) - (c) (No change.)

(d) The UOAC shall expire on July 1, 2026 [2022].

§51.614. *Accessibility Advisory Committee (AAC).*

(a) - (c) (No change.)

(d) The AAC shall expire on July 1, 2026 [2022].

§51.631. *Freshwater Fisheries Advisory Committee (FFAC).*

(a) - (c) (No change.)

(d) The FFAC shall expire on July 1, 2026 [2022].

§51.671. *State Parks Advisory Committee (SPAC).*

(a) - (b) (No change.)

(c) The SPAC shall expire on July 1, 2026 [2022].

§51.672. *Coastal Resources Advisory Committee (CRAC).*

(a) - (c) (No change.)

(d) The CRAC shall expire on July 1, 2026 [2022].

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 April 11, 2022.

TRD-202201326

James Murphy

General Counsel

Texas Parks and Wildlife Department

Earliest possible date of adoption: May 22, 2022

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



CHAPTER 65. WILDLIFE  
SUBCHAPTER B. DISEASE DETECTION AND  
RESPONSE  
DIVISION 2. CHRONIC WASTING DISEASE -  
COMPREHENSIVE RULES

**31 TAC §65.97**

The Texas Parks and Wildlife Department (the department) proposes amendments to 31 TAC §65.97, concerning Testing and Movement of Deer Pursuant to a Triple T or TTP Permit. The proposed rule would establish chronic wasting disease (CWD) testing requirements and other provisions for properties

that are prospective trap sites for permits to trap, transport, and transplant game animals and game birds (colloquially known as "Triple T" permits). The department promulgated rules that made extensive changes to the CWD management rules (*Texas Register* 46 TexReg 8724) contained in Chapter 65, Subchapter B (commonly referred to as the "comprehensive rules"). Among other things, that rulemaking imposed a temporary moratorium on the issuance of Triple T permits for deer; however, the Parks and Wildlife Commission directed staff to develop a proposal as quickly as possible to allow resumption of program functionality. The intent of this proposed rulemaking is to restore the availability of the Triple T permit program for deer while minimizing the probability of CWD being spread as a result of deer translocation activities.

CWD is a fatal neurodegenerative disorder that affects cervid species such as white-tailed deer, mule deer, elk, red deer, sika, and others (susceptible species). CWD is classified as a TSE (transmissible spongiform encephalopathy), a family of diseases that includes scrapie (found in sheep) and bovine spongiform encephalopathy (BSE, found in cattle and commonly known as "Mad Cow Disease"), and variant Creutzfeldt-Jakob Disease (vCJD) in humans. CWD is transmitted both directly (through deer-to-deer contact) and indirectly (through environmental contamination).

White-tailed deer and mule deer are indigenous species authorized to be regulated by the department under the Parks and Wildlife Code. Under Parks and Wildlife Code, Chapter 43, Subchapter E, the department may issue permits authorizing the trapping, transporting, and transplanting of game animals and game birds for wildlife management.

The department, along with the Texas Animal Health Commission (TAHC), has been engaged in an ongoing battle against CWD in Texas since 2002. The recent detections of CWD in multiple deer breeding facilities created an unprecedented situation because it greatly increased the probability that CWD could have been spread to many new locations, including breeder deer release sites that subsequently could become trap sites for deer relocations under Triple T permits, which introduces even greater concerns regarding disease propagation.

Much remains unknown about CWD. The peculiarities of its transmission (how it is passed from animal to animal), infection rate (the frequency of occurrence through time or other comparative standard), incubation period (the time from exposure to clinical manifestation), and potential for transmission to other species are still being investigated. There is currently no scientific evidence to indicate that CWD is transmissible to humans; however, the Centers for Disease Control and Prevention and the World Health Organization strongly recommend testing animals from CWD Zones prior to consumption, and if positive, recommend not consuming the meat. What is known is that CWD is invariably fatal to cervids. Additionally, the apparent persistence of CWD in contaminated environments represents a significant obstacle to eradication of CWD from either captive or free-ranging cervid populations. The potential implications of CWD for Texas and its multi-billion-dollar ranching, hunting, real estate, tourism, and wildlife management-related economies could be significant, unless it is contained and controlled.

The department has engaged in frequent rulemaking over the years to address both the general threat posed by CWD and the repeated detection of CWD in deer breeding facilities. In 2005, the department adopted rules (30 TexReg 3595) that closed the Texas border to the entry of out-of-state captive white-tailed and

mule deer and increased regulatory requirements regarding disease monitoring and record keeping. In 2012, based on recommendations from the department's CWD Task Force (an ad hoc group of deer management professionals, landowners, veterinarians, scientists, and deer breeders), the department adopted rules (37 TexReg 10231) to implement a CWD containment strategy in response to the detection of CWD in free-ranging mule deer located in the Hueco Mountains, the first detection of CWD in Texas. In 2015, the department discovered CWD in a deer breeding facility in Medina County and adopted emergency rules (40 TexReg 5566) to respond immediately to the threat, followed by rules (41 TexReg 815) intended to function through the 2015-2016 hunting season. Working closely with TAHC and with the assistance of the Center for Public Policy Dispute Resolution of the University of Texas School of Law, the department intensively utilized input from stakeholders and interested parties to develop and adopt comprehensive CWD management rules in 2016 (41 TexReg 5726), including provisions for live testing ("ante-mortem") of deer for CWD. Since 2002, the department has made a continuous, concerted effort to involve the regulated community and stakeholders in the process of developing appropriate CWD response, management, and containment strategies, including input from the Breeder User Group (an ad hoc group of deer breeders), the CWD Task Force, the Private Lands Advisory Committee (an advisory group of private landowners from various ecological regions of the state), and the White-tailed Deer and Mule Deer Advisory Committees (advisory groups of landowners, hunters, wildlife managers, and other stakeholders).

The Triple T permit is a deer management tool for land managers and landowners, allowing surplus deer to be moved to places where augmentation of deer populations is desired. The department has issued 149 Triple T permits at an average rate of 29.8 permits per year during the past five years. Some of these transplantsations involve trapping at sites where breeder deer have been released or transferred in the past, as well as at places that have received deer via Triple T permit from other trap sites where breeder deer were transferred. As mentioned earlier in this preamble, the department engaged in rulemaking earlier this year in response to the recent detections of CWD in multiple deer breeding facilities, from which the department was forced to conclude that the rules in effect were not, as previously believed, adequate for providing assurances that CWD could be detected in breeding facilities before it could be spread to additional breeding facilities and free-ranging populations. Because breeder deer have been transferred to many properties that could become potential trap sites for Triple T activities, the department became concerned that Triple T activities could be or become a contributor to the spread of CWD.

Under current rule (which, as noted, is temporarily suspended, but would be restored under the proposed amendment), the department will not issue a Triple T permit unless "not detected" post-mortem test results have been submitted for 15 test-eligible deer from the trap site. The department has determined that this standard provides insufficient confidence that CWD is not present or being spread by Triple T activities, particularly at places where breeder deer have been transferred in the past. Therefore, the proposed amendment, while retaining the current five-year time window concerning ineligibility for permit issuance as a result of breeder deer transfers for purposes of release, would provide for increased surveillance at properties where breeder deer have never been transferred and at proper-

ties where breeder deer were transferred at least five years prior to permit application.

Unlike deer breeding facilities (where the population is captive and every deer is theoretically available for testing), in free-range settings such as Triple T release sites, not all deer are readily available or in fact easy to locate. As a result, the department concluded that post-mortem testing of a statistically significant number of deer, in conjunction with ante-mortem testing of all deer prior to transport, is the most viable and appropriate vehicle for establishing a reasonable confidence that CWD does not exist at the trap site. The proposed amendment would impose a basic testing regime by requiring, prior to authorization of any trapping activities under a Triple T permit, the post-mortem testing of at least 60 deer; ante-mortem sample collection of all trapped deer prior to transport (as well as post-mortem testing of all deer mortalities occurring as a result of permit activities); the tagging of all deer transferred under a Triple T permit; and continuous post-mortem testing on all trap sites at the rate of 15 deer per year in order to maintain trap site eligibility for Triple T permit activities. The proposed amendment would require continuous testing to ensure that long-term surveillance is conducted following establishment of trap site status (via submission of 60 "not detected" tests, as applicable, and the required ante-mortem testing) and would provide the department a reasonable degree of confidence that CWD is not present in that deer population, and thus, not likely to be transmitted to other locations and populations if the site is used as a trap site for Triple T activities. Therefore, the proposed amendment would impose a continuous testing regime and stipulate that any gap or lacunae in testing efforts would cause the testing requirements of the section to start over again in order to regain eligibility for trap site status. The 60-sample standard is the minimum sample size needed to attain 95 percent confidence that CWD is not present at a five percent prevalence for an infinite, homogenous population with random disease distribution. The proposed amendment also would remove current paragraphs (5) and (6) because the timelines established by those provisions would be irrelevant in light of testing frames contemplated by the proposed amendment.

In developing the proposed rule, the department identified three risk categories presented by Triple T trap sites with respect to disease transmission. Of greatest concern are trap sites that are under a hold order or quarantine. A hold order prohibits the movement of a herd, animal, or animal product pending the determination of CWD status. A hold order is issued when a test result of "suspect" at a deer breeding facility ("index facility") is received and applies to all locations that are epidemiologically connected to that facility, directly or indirectly (i.e., where breeder deer have been transferred directly from the suspect breeding facility, or, in some cases, via an intermediate breeding facility). A quarantine restricts animal or animal product movement from or onto a property as a result of verification of the existence of or exposure to CWD. This category of release site is of the greatest concern because deer at such sites have been exposed to a positive breeding facility, are potentially infected, and therefore are potentially able to spread the disease to additional locations and animals. The current rules prohibit trap-site authorization only for sites that are under a hold order at the time. The proposed amendment would prohibit trapping for Triple T purposes at sites that are subject to a hold order or quarantine and would provide that a property that has been subject to a hold order or quarantine is eligible to be a trap site beginning five years from the date that the hold order or quarantine is lifted. The proposed

provision is necessary because evaluation of disease status and mitigation of disease transmission after breeder deer are transferred and released are inherently more problematic than evaluation of disease status and mitigation of disease transmission before breeder deer are moved from a breeding facility. The current rule was designed to temporarily halt deer movement from affected facilities and locations until testing efficacy could reach acceptable levels; however, given the recent detections of CWD at multiple facilities despite rules intended to prevent it, the department cannot be certain that CWD is not present at prospective trap sites where breeder deer from epidemiologically linked facilities have been transferred and released in the past.

Of less, but still very significant concern, are prospective trap sites that have received a breeder deer. This category is of concern because of the continuing detection of CWD in deer breeding facilities. As stated earlier in this preamble and based on epidemiological investigation, it has become quite apparent that the CWD testing requirements in effect for breeding facilities prior to 2021 were inadequate for detecting CWD in a timely fashion. Although the recently adopted comprehensive rules definitively improve disease surveillance at breeding facilities, they do not address the disease-risk scenarios presented by deer transferred from breeding facilities under the previous rules. Consequently, the proposed amendment would require the submission of a minimum of 60 post-mortem test results of "not detected" for samples collected on prospective trap sites that have been the site of a breeder deer transfer for purposes of release and ante-mortem testing of each deer transported, provided at least five years have elapsed between the last release of breeder deer at the prospective trap site and the collection of any samples (post-mortem or ante-mortem). The department notes that CWD (especially at low prevalence) is not randomly distributed and that populations are not completely homogenous (because of barriers such as high fences, habitat type and quality, the presence of humans, and so on); however, site-specific testing at this intensity is expected to provide minimal assurance that movement from trap sites where breeder deer have been previously transferred and released (including breeder bucks temporarily possessed for breeding purposes under a Deer Management Permit) will not result in the spread of CWD to additional areas and populations. In sum, the testing and trapping requirements for these trap sites should provide minimal assurance that CWD is not spread via Triple T activities involving trap sites where breeder deer have been transferred and released in the past.

The remaining risk category is represented by trap sites that have *never* received a breeder deer. Compared to the other two categories, these sites are the least likely to present a risk of CWD transmission because there is a demonstrably minimal epidemiological connectivity with deer breeding facilities (which, in Texas and nationally, have been shown to have the greatest capacity to amplify and spread CWD) and they are not located in CWD Containment or Surveillance Zones. The post-mortem testing prescribed by the proposed rules (60 deer prior to permit authorization, ante-mortem of each deer transported, and 15 deer per year afterwards), in concert with the lower risk of CWD introduction associated with sites that have never received breeder deer, are believed by the department to be adequate to address disease risk. The proposed amendment would allow the required 60 post-mortem tests to be conducted in a single year or over the course of consecutive years, provided a minimum of 15 test results per year are submitted and the samples are collected in consecutive years. The 60-sample standard is the minimum sample size needed to attain 95 percent confidence that CWD is

not present at a five percent prevalence for an infinite, homogeneous population with random disease distribution.

To prevent possible confusion regarding the correspondence between the date a test sample is taken and the year to which the results are credited for purposes of determining regulatory compliance, the proposed amendment introduces the "testing year," which is the time period between April 1 of one year and March 31 of the immediately following year. This is necessary because Triple T test samples must come from lawfully killed deer and deer seasons take place from September of one year through February of the next year.

The proposed amendment would require all deer trapped under a Triple T permit to have ante-mortem samples collected prior to transport, which is intended to provide additional assurance that CWD is not transmitted to additional environments and populations. Because of the substantial connectedness of deer breeding facilities to other deer breeding facilities where CWD has been discovered, because breeder deer have been released in such large numbers across the state (where they can subsequently be trapped under a Triple T permit), and, because so few Triple T permits are issued annually, the department has determined that an ante-mortem testing component can be included in the proposed rule to provide additional confidence that CWD can be detected at the trap site. Because the trapping and transporting activities are extremely stressful to the deer, the department determined that it is not practical from an animal welfare perspective to require the deer to be held at the trap site pending test result notification, although the rule as proposed would allow for the temporary detention of deer at the release site pending notification of test results. The department reasons that the proposed requirement for a highly visible identification tag to be attached to each released deer will facilitate the ability to locate released deer in the event that CWD is discovered in a test sample from the trap site. Because all other instances in which department rules require or allow ante-mortem test results to be obtained prior to movement of deer, the proposed amendment would impose a seven-day time requirement for sample collection and submission, which is necessary to ensure that the required testing is conducted (since the rule as proposed would allow movement following sample collection but before test results are obtained). Additionally, it is not uncommon for test results to be returned with a finding of "insufficient follicles," which means that the tissue sample cannot be used. Because the rule as proposed would allow deer to be released before test results are known and would prevent future permit issuance if the required test results of "not detected" are not submitted as provided by rule, it is possible that a scenario could arise in which a permittee is not in compliance and therefore not eligible for further permit issuance. The department reasons that the rules should therefore include some provision allowing for that possibility; therefore, the proposed amendment would allow for post-mortem testing of deer at the trap site to occur at a 1:1 ratio for each ante-mortem test returned with a finding of "insufficient follicles." The proposed amendment also would require the post-mortem testing of all deer mortalities that occur during trapping and transporting activities. Because post-mortem tests provide the most reliable test results, they are the gold standard for providing confidence that CWD is not present in a population. It is not uncommon for deer to die during trapping and transporting activities, which the department reasons presents an excellent opportunity to provide additional high-value surveillance for CWD, particularly in a scenario in which deer are being relocated in a non-natural way. The proposed amendment also would stipulate that mortalities

be disposed of at the trap site or by transport to a Type I landfill permitted by the Texas Commission on Environmental Quality, which is necessary to provide assurance that the disease-transmission threat of neural and lymphatic tissue is not exacerbated. CWD can be spread by incomplete or inadequate disposal techniques; accordingly, the department believes it is prudent to require that all mortalities be disposed of in a manner that prevents or mitigates disease transmission, such as disposal at the trap site or transfer to a Type I landfill.

In the event that for whatever reason a trap site is not in compliance with the rule as proposed following trapping and transport of deer, the proposed rule would provide that no further Triple T activities will be authorized at that site until the department has developed and executed a custom testing plan to ensure that the population has been subjected to adequate surveillance. Finally, because the proposed rule would allow the movement of deer under the provision that tissue samples have been collected, the proposed amendment also would clearly call attention to the fact that transporting or releasing deer without having collected the samples required by the proposed rule would be a criminal offense, which is necessary to be abundantly clear.

The proposed amendment would eliminate current subsection (a)(6) and (7), which is necessary because the proposed amendment establishes the "testing year" for purposes of verifying compliance with annual testing requirements over time.

The proposed amendment also would reorganize existing provisions by moving the contents of current subsection (a)(3) into the list in subsection (a)(2) of situations in which the department will not authorize trapping for Triple T purposes.

The proposed amendment also would prohibit the authorization of trapping activities at any site wholly or partially within a five-mile radius surrounding a property containing a breeding facility that the department has designated NMQ (non-movement qualified, or prohibited from transferring deer) under the provisions of §65.99, concerning Breeding Facilities Epidemiologically Connected to Deer Infected with CWD, but would allow such sites to become eligible to be a trap site once the department has restored MQ status to the facility in question and the provisions of the section, as applicable, have been met. The five-mile radius was chosen after considering feedback received from various advisory groups along with deer movement data (the department notes that this value exceeds the standard imposed by department rules regarding CWD containment zones under Chapter 65, Subchapter B, Division 1). The proposed amendment also would allow for approval of trapping activities at such sites if the department conducts a trap site assessment that stipulates specific testing and management protocols the department deems necessary to assure that adequate disease surveillance exists and will be maintained at the trap site, and the permittee and the property owner of the trap site (if different persons) agree in writing to abide by the terms of the testing and management protocols prescribed by the department as a condition of trap site approval. The department considers that given the probable very low number of potential instances in which a prospective trap site could be within the radius established by the proposed amendment, it is feasible that a trap site assessment prescribing a testing and management protocol that could offer assurance that Triple T activities at the site would not result in unacceptable risk of disease transmission; therefore, the proposed amendment would provide for that possibility, provided the permittee and the owner of the trap site agree in writing to the terms and conditions of the testing and management protocol. The

department has determined that any authorization of Triple T activities within an area of heightened disease concerns pursuant to special testing and management protocols should be in the context of a written agreement that specifically identifies the responsibilities and obligations of the permittee and the landowner as well as the consequences for failure to comply. Additionally, these epidemiologically linked facilities are high-fenced, which further reduces deer movements and distribution and the potential spread of CWD beyond these facilities. Similarly, the proposed amendment would prohibit the authorization of trapping activities at any site wholly or partially within a ten-mile radius surrounding a property containing a release site under a hold order or quarantine. The ten-mile radius was chosen after considering feedback received from various advisory groups along with deer movement data (the department notes that this value exceeds the standard imposed by department rules regarding CWD surveillance zones under Chapter 65, Subchapter B, Division 1). The department considers that given the probable very low number of potential instances in which a prospective trap site could be within the radius established by the proposed amendment, it is feasible that a trap site assessment prescribing a testing and management protocol that could offer assurance that Triple T activities at the site would not result in unacceptable risk of disease transmission; therefore, the proposed amendment would provide for that possibility, provided the permittee and the owner of the trap site agree in writing to the terms and conditions of the testing and management protocol. The department has determined that any authorization of Triple T activities within an area of heightened disease concerns pursuant to special testing and management protocols should be in the context of a written agreement that specifically identifies the responsibilities and obligations of the permittee and the landowner as well as the consequences for failure to comply.

Similarly, the proposed amendment would allow for movement of deer under a Triple T permit at properties unable to meet the 60-test threshold for permit issuance, provided the trap site and the release site are adjacent, contiguous tracts owned by the same person, the department has conducted a trap site assessment that stipulates specific testing and management protocols the department deems necessary to assure that adequate disease surveillance exists and will be maintained at the trap site, and the permittee and the property owner of the trap site (if different persons) agree in writing to abide by the terms of the testing and management protocols prescribed by the department. Under current rule, testing is not required in such scenarios; however, the department has concluded, in light of recent detections of CWD, the deer population on any release site is for epidemiological purposes completely isolated from the trap site deer population, which represents a CWD transmission risk to additional tracts of land under the same ownership that otherwise may not have been exposed. Consequently, the CWD risk of the trap site must be assessed prior to the movement of any deer in order to gain confidence that CWD is not present.

The proposed amendment would require all deer released via Triple T permits to be tagged, prior to release, with an external, durable plastic tag, approved by the department, that is brightly colored and clearly visible so as to allow the information on the tag to be read via binoculars or spotting scope at a distance of 100 yards. In the event that CWD is detected at a site that epidemiological investigations reveal is connected to a Triple T release, the department needs to be able to quickly identify the specific deer that were released in order to conduct post-mortem



testing. By requiring conspicuous marking of Triple T deer, the department intends to facilitate that.

Finally, the proposed amendment would specifically provide that changes in property ownership or size do not affect the applicability of the section. The department wishes to be explicitly clear that subdividing a property or transferring ownership following the release of breeder deer will not alter the property's eligibility or ineligibility for consideration as a trap site for Triple T activities, which is a necessary measure intended to prevent the spread of CWD.

Mitch Lockwood, Big Game Program Director, has determined that for the first five years that the amendment as proposed is in effect, there will be no additional fiscal implications to state or local governments of enforcing or administering the rule as proposed.

Mr. Lockwood also has determined that for each of the first five years the proposed rule is in effect, the public benefit anticipated as a result of enforcing or administering the proposed rules will be a minimally acceptable probability that CWD will be detected at Triple T trap sites if it exists at a relatively low prevalence and an attendant reduction in the probability of CWD being spread from properties where it might exist to additional populations, thus ensuring the public of continued enjoyment of the resource and the continued beneficial economic impacts of hunting in Texas.

There will be an adverse economic impact on persons required to comply with the rules as proposed. The impact will be the costs associated with the testing requirements imposed by the proposed amendment, which would consist primarily of the costs of required testing (60 post-mortem CWD tests prior to trapping authorization, 15 CWD post-mortem test every year thereafter (if the landowner desires to maintain eligibility), ante-mortem testing of all deer transported).

The cost of a post-mortem CWD test administered by the Texas A&M Veterinary Medicine Diagnostic Lab (TVMDL) is a minimum of \$45, to which is added a \$7 accession fee (which may cover multiple samples submitted at the same time). If a whole head is submitted to TVMDL there is an additional \$20 sample collection fee, plus a \$20 disposal fee. Thus, the minimum fee for each post-mortem test would be \$52, plus any veterinary cost (which the department cannot quantify, as the cost of veterinary services varies greatly from place to place), and the maximum fee for each post-mortem test would be \$92. The department notes that it is possible for any person to be trained and certified at no cost to be a sample collector, which would reduce the cost of compliance accordingly.

Under the Veterinary Practice Act, the samples necessary for ante-mortem testing can only be obtained by a licensed veterinarian. Because veterinary practice models vary significantly (flat rates, graduated rates, included travel costs, herd call rates, sedation costs, etc.) in addition to pricing structures determined by the presence or absence of professional competition in different parts of the state, the cost of ante-mortem testing is difficult to quantify; however, based on anecdotal information and an informal survey of knowledgeable veterinarians, the department estimates the cost of tonsillar or rectal biopsies at approximately \$70-200 to as much as \$350 per head. It is important to note that ante-mortem procedures for CWD testing are relatively new, but the number of veterinarians with the training and expertise to perform them reliably is increasing; nevertheless, the fee structure for such procedures can best be described as still evolving.

Based on the available evidence, the department estimates the maximum cost to persons seeking a Triple T permit for deer would be at least \$5,520 (60 post-mortem tests at a cost of \$92 per test), plus the cost of ante-mortem testing at \$350 dollars per deer transported. Additionally, if a person wishes to maintain eligibility for future Triple T permit issuance, 15 post-mortem tests per year would be required, which the department estimates at \$1,380 per year.

Additionally, the proposed rule would require deer mortalities to be disposed of at the trap site or transported to a Type I landfill. For deer that die during transport or at the release site, the cost of returning the deer to the trap site would consist of fuel and labor expenses that cannot be quantified because they are dependent on the distance between the release site and the trap site. The department has determined that fees for acceptance of dead deer at a Type I landfill vary widely across the state (as they are set independently by each landfill), but estimates the probable cost per animal to be \$10 - \$100; thus, for deer that die during transport or release and cannot be returned to the trap site for whatever reason, the cost of compliance would consist of the fuel and labor expense of transporting the carcass to a Type I landfill, plus the fee imposed by the landfill.

The department notes that although the rule stipulates the testing requirements for issuance of Triple T permits, no person is required by any provision of law to obtain Triple T permits; that choice is purely voluntary.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses and micro-businesses. Those guidelines state that an agency need only consider a proposed rule's "direct adverse economic impacts" to small businesses and micro-businesses to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services.

The department has determined that the proposed rule regulates various aspects of the issuance and use of permits that authorize the temporary possession of public wildlife resources and do not authorize the sale or purchase of live game animals and therefore do not directly regulate or affect small businesses, micro-businesses, or rural communities. Therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rule.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rule.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rule as proposed,

if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; not create a new regulation, or limit an existing regulation, but will expand an existing regulation (by imposing additional testing requirements on all prospective Triple T permittees); neither increase nor decrease the number of individuals subject to regulation; and not positively or adversely affect the state's economy.

Comments on the proposed rule may be submitted to Alan Cain at (830) 480-4038, e-mail: alan.cain@tpwd.texas.gov. or via the department website at www.tpwd.texas.gov.

The amendment is proposed under Parks and Wildlife Code, Chapter 43, Subchapter E, which authorizes the commission to make regulations governing the trapping, transporting, and transplanting of game animals.

The proposed amendment affects Parks and Wildlife Code, Chapter 43, Subchapter E.

§65.97. Testing and Movement of Deer Pursuant to a Triple T or TTP Permit.

(a) General.

~~[(1) On the effective date of this paragraph the department will cease the issuance of Triple T permits for deer until further notice.]~~

(1) [(2)] Except as provided by paragraph (2) of this subsection, the [The] department will not issue a Triple T permit authorizing deer to be trapped at a:

(A) site where [release site that has received] breeder deer have been transferred within five years of the application for a Triple T permit;

(B) [release] site that is not in compliance with [has failed to fulfill] the applicable testing requirements of this division;

(C) [any] site where a deer has been confirmed positive for CWD;

(D) [any] site where a deer has tested "suspect" for CWD; [or]

(E) [any] site subject to [under] a hold order or quarantine; [-]

(F) site wholly or partially within a five-mile radius surrounding a property containing a deer breeding facility that the department has designated NMQ under the provisions of §65.99 of this title (relating to Breeding Facilities Epidemiologically Connected to Deer Infected with CWD); provided however, that such a site is eligible to be a trap site once the department has restored MQ status to the deer breeding facility in question and the provisions of this section, as applicable, have been met;

(G) site wholly or partially within a ten-mile radius surrounding a property containing a release site subject to a hold order or quarantine; or

(H) site that the department determines, based on an epidemiological assessment, represents an unacceptable risk for the spread of CWD.

(2) The department may approve a prospective trap site described by paragraph (1)(F) or (G) of this subsection only if:

(A) the department conducts a trap site assessment that stipulates specific testing and management protocols the department

deems necessary to assure that adequate disease surveillance exists and will be maintained at the trap site; and

(B) the permittee and the property owner of the trap site agree in writing to abide by the terms of the testing and management protocols prescribed by the department as a condition of trap site approval.

~~[(3) In addition to the reasons for denying a Triple T permit as provided in §65.107 of this title (relating to Permit Application and Processing) and §65.109 of this title (relating to Issuance of Permit), the department will not issue a Triple T permit if the department determines, based on epidemiological assessment and consultation with TAHC that to do so would create an unacceptable risk for the spread of CWD.]~~

(3) [(4)] In addition to the marking required by §65.102 of this title (relating to Disease Detection Requirements), all [AH] deer released under the provisions of this section must be tagged prior to transport [release] in one ear with:

(A) a durable plastic tag that is:

(i) externally applied (affixed so as to be suspended from the ear and not placed within or so as to be obscured by the ear);

(ii) a bright color that distinctly contrasts with the pelage of the deer to which it is attached, as well as any surrounding foliage or background color; and

(iii) clearly visible in such a fashion as to allow the tag to be easily seen and the information on the tag to be read at a distance of at least 100 yards by binoculars, spotting scope, or other magnifying device; and

(B) a button-type RFID tag approved by the department [; in addition to the marking required by §65.102 of this title (relating to Disease Detection Requirements). RFID tag information must be submitted to the department].

(C) The tag required by subparagraph (A) of this paragraph must:

(i) be sequentially numbered or otherwise serve to uniquely identify the deer to which it is affixed (i.e., no tag at any trap site shall duplicate a color/number combination of any other tag at that trap site in any permit year); and

(ii) any other information that the department determines, based on the circumstances of the permit, is necessary.

(4) [(5)] Nothing in this section authorizes the take of deer except as authorized by applicable laws and regulations, including but not limited to laws and regulations regarding seasons, bag limits, and means and methods as provided in Subchapter A of this chapter (relating to Statewide Hunting Proclamation).

(5) The provisions of this section apply irrespective of changes in property size or ownership.

(6) A property that has been subject to a hold order or quarantine is eligible to be a trap site for Triple T activities under the provisions of this section, as applicable, beginning five years from the date that the hold order or quarantine is lifted.

~~[(6) Except for a permit issued for the removal of urban deer, a test result is not valid unless the sample was collected and tested after the Saturday closest to September 30 of the year for which activities of the permit are authorized.]~~

(7) Deer may be temporarily confined in an enclosure at a release site pending notification of the results of the tests required by

this section; however, such deer must be released immediately following notification of test results for all deer so detained, provided none of the test results are "Positive" or "Suspect."

[(7) For permits issued for the removal of urban deer, test samples may be collected between April 1 and the time of application.]

(8) All deer mortalities that occur in the process of trapping or transport activities must:

(A) be post-mortem tested as prescribed by the applicable provisions of §65.92 of this title; and

(i) left at or returned to the trap site for disposal; or

(ii) transported to a Type I landfill in Texas permitted by the Texas Commission on Environmental Quality (TCEQ).

(b) Testing Requirements for Triple T Permit. In this subsection, the term "testing year" is the period of time from April 1 of one year to March 31 of the immediately following year.

(1) The provisions of this paragraph apply on any property identified as a prospective trap site in an application for a Triple T permit if department records indicate deer that were ever in a deer breeding facility have ever been transferred to that property for any reason.

(A) The department will not authorize trapping activities under this paragraph until:

(i) at least five years have elapsed since the last release of breeder deer on the property; and

(ii) the applicant has submitted at least 60 post-mortem "Not Detected" test results obtained from deer killed at the prospective trap site.

(B) The total number of test results required by this subparagraph may be from samples collected during the testing year in which the permit application is filed.

(C) If the test results required by this paragraph are collected over multiple testing years prior to permit application:

(i) a minimum of 15 post-mortem "Not Detected" test results from the prospective trap site must be submitted for each testing year; and

(ii) the period of testing years for which test results are submitted must be continuous (i.e., if the samples are collected in each of four years, each of three years, or each of two years, those years must be consecutive years).

(D) Test results from samples collected earlier than five years from the last date breeder deer were transferred to the prospective trap site are not valid for the purposes of this section.

(E) Following any trapping activities authorized under a Triple T permit, a minimum of 15 post-mortem "Not Detected" test results must be submitted by March 31 of each testing year for a property to remain eligible as a trap site for future Triple T permit activities.

(F) The department will not authorize trapping activities at any property where the continuous testing history required by this subparagraph has not been achieved and maintained.

(G) Eligibility for consideration as a trap site may be re-established by providing a minimum of 60 post-mortem "Not Detected" test results from samples collected in consecutive testing years, provided:

(i) a minimum of 15 post-mortem "Not Detected" test results are submitted per testing year; and

(ii) no breeder deer have been transferred to the prospective trap site within five years of the first year for which test results are submitted.

[(1) The department will not issue a Triple T permit unless "not detected" post-mortem test results have been submitted for 15 test-eligible deer from the trap site.]

(2) The provisions of this paragraph apply to a property identified as a prospective trap site in an application for a Triple T permit if department records indicate that breeder deer have never been transferred to that property for any reason. The department will not authorize trapping activities until the applicant has submitted at least 60 post-mortem "Not Detected" test results obtained from deer killed at the prospective trap site in accordance with the provisions of this paragraph.

(A) The total number of test results required by this subparagraph may be from samples collected in the testing year of the permit application, samples collected the testing year prior to permit application, or from samples collected in more than one testing year prior to permit application; however, if the samples are obtained over multiple testing years prior to the year of permit application:

(i) a minimum of 15 post-mortem "Not Detected" test results from the prospective trap site must be submitted for each testing year; and

(ii) the period of testing years for which test results are submitted must be continuous (i.e., if the samples are collected in each of four years, each of three years, each of two years, the year prior, or the year of permit application, those years must be consecutive years).

(B) For a property to remain eligible as a trap site for future Triple T permit activities, a minimum of 15 post-mortem "Not Detected" test results from deer at the property must be submitted by March 31 of each testing year.

(C) The department will not authorize trapping activities at any property where the continuous annual testing history required by this paragraph has not been achieved and maintained following the issuance of a Triple T permit.

(D) Eligibility for consideration as a trap site may be re-established by providing a minimum of 60 post-mortem "Not Detected" test results from samples collected:

(i) in the testing year of or the testing year immediately preceding permit application; or

(ii) in multiple testing years immediately preceding permit application, provided a minimum of 15 post-mortem "Not Detected" test results are submitted per testing year.

[(2) CWD testing is not required for deer trapped on any property if the deer are being moved to adjacent, contiguous tracts owned by the same person who owns the trap site property.]

(3) In the instance that an applicant is unable for whatever reason to supply the 60 test samples for permit issuance required by paragraphs (1) or (2) of this subsection, the department may approve the movement of deer under a Triple T permit, provided:

(A) the trap site and the release site are owned by the same person;

(B) the trap site and the release site are on adjacent, contiguous tracts; and

(C) the permittee and the property owner of the trap site (if different persons) have agreed in writing to abide by the terms of

testing and management protocols prescribed by the department following a trap site assessment performed by the department that stipulates specific testing and management protocols the department deems necessary to assure that adequate disease surveillance exists and will be maintained at the trap site.

(4) In addition to the testing requirements prescribed elsewhere in this section, all deer trapped under the provisions of a Triple T permit must be subjected to ante-mortem testing as provided by this paragraph and the applicable provisions of §65.92 of this title (relating to CWD Testing).

(A) An ante-mortem test sample under this section:

(i) may be collected from a deer of any age;

(ii) must be collected after trapping and prior to transport; and

(iii) is not valid unless it is submitted within seven days of collection.

(B) Deer may be transported immediately following the collection of the test samples required by this paragraph.

(C) In the event that a test result of "insufficient follicles" is returned for a sample submitted to comply with the requirements of this paragraph, the department will not issue additional Triple T permits for the associated trap site until sufficient post-mortem tests on deer at the trap site have been submitted at a 1:1 ratio. The provisions of this subparagraph are in addition to any other testing requirements imposed by this section.

(D) Failure to submit a test sample or meet a testing requirement under this paragraph will result in the associated trap site being ineligible to be a trap site for Triple T permit activities until testing has been conducted in compliance with a custom testing plan developed by the department.

(E) It is an offense to transport or release a deer under the provisions of this section unless the tissue sample required by this section has been collected.

(c) (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 April 11, 2022.

TRD-202201324

James Murphy

General Counsel

Texas Parks and Wildlife Department

Earliest possible date of adoption: May 22, 2022

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



## TITLE 43. TRANSPORTATION

### PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

#### CHAPTER 211. CRIMINAL HISTORY OFFENSE AND ACTION ON LICENSE

## SUBCHAPTER A. CRIMINAL OFFENSE AND ACTION ON LICENSE

### 43 TAC §211.6

INTRODUCTION. The Texas Department of Motor Vehicles (department) proposes new §211.6 concerning fingerprint requirements for licensing applicants for and holders of a general distinguishing number (GDN) under Transportation Code Chapter 503 for all dealer types under Transportation Code §503.029(a)(6). The amendments are necessary to prevent fraud in the application process by verifying an applicant's identity through submitted fingerprints and obtaining a complete and comprehensive Texas Department of Public Safety (DPS) and Federal Bureau of Investigation (FBI) criminal background check.

EXPLANATION. The fingerprint requirements for licensing proposed in new §211.6 are intended to prevent and detect fraud in the application process by requiring certain license applicants to be fingerprinted as part of the application process. The fingerprints will be used to generate an FBI criminal history report which will verify the applicant's identity and be used in evaluating the applicant's criminal history under the department's criminal offense guidelines in §211.3 of this chapter.

Licenses issued by the department create positions of trust. Abuse of this trust provides license holders opportunities to engage in fraud, theft, money laundering and related crimes. Recently, bad actor license holders have taken advantage of their licenses by printing fraudulent temporary tags, which enable criminals to operate stolen vehicles, facilitating crimes such as human and drug trafficking. Criminals use fraudulently obtained temporary tags that are registered under fake names and addresses to make it harder for law enforcement to trace the vehicles. Fraudulent temporary tags are also used to operate motor vehicles that violate environmental and safety regulations, thus endangering the public. In addition, licensure provides persons who are predisposed to commit assaultive or sexual crimes with greater opportunities to engage in such conduct. Fingerprint requirements will help the department better screen potential bad actors with criminal offense histories by verifying the identity of the applicant and producing a more accurate and comprehensive criminal history report based on data from both DPS and FBI databases. The FBI fingerprint-based criminal history record information includes crimes that are committed in other states, in addition to human and drug trafficking crimes, which are commonly prosecuted on a federal level. Fingerprinting will also help prevent license holders whose licenses have been revoked from re-applying using a false identity. Further, the FBI fingerprint-based criminal history background check enables the department to obtain the FBI and DPS "Rap Back" subscription services, which notify the department when a person's criminal history record has changed. The department intends to use information from the FBI and DPS Rap Back services to determine if an associated license should be revoked or not renewed as authorized under applicable statutes and department rules.

The following paragraphs address the amendments in this proposal.

New §211.6(a) is added to state that the proposed fingerprint requirements apply to applicants for and holders of a GDN for all dealer types under Transportation Code §503.029(a)(6). These license holders and their representatives provide services that involve access to confidential information, conveyance, titling, and registration of private property. Further, license holders and

their representatives obtain possession of monies belonging to or owed to private individuals, creditors, and governmental entities. Lastly, license holders and their representatives must comply with federal and state environmental and safety regulations. When the department adopted current Chapter 211, it determined which offenses directly relate to the duties and responsibilities of license holders and their representatives, either because the offense entails a violation of the public trust; issuance of a license would provide an opportunity to engage in further criminal activity of the same type; or the offense demonstrates the person's inability to act with honesty, trustworthiness, and integrity. Such offenses include crimes under the laws of another state and the United States. In proposing new §211.6, the department determined that requiring a biometric identifier to verify identity and obtain a comprehensive DPS and FBI criminal history record for applicants for and holders of licenses, along with their representatives, will prevent individuals with disqualifying criminal histories from being licensed or renewing their licenses, thus substantially decreasing fraud and providing enhanced protection for citizens of Texas.

New §211.6(b) requires all persons applying for a new license, license amendment due to change in ownership, or license renewal, to submit a complete and acceptable set of fingerprints to DPS and pay required fees for purposes of obtaining criminal history record information from DPS and the FBI.

New §211.6(c) requires that persons who are acting at the time of application, or will later act, in a representative capacity for an applicant or holder of a license, including the applicant's or holder's officers, directors, members, managers, trustees, partners, principals, or managers of business affairs, must also submit a complete and acceptable set of fingerprints and pay fees to DPS as described by new §211.6(b). New §211.6(c) is consistent with §211.2(a)(2) of this chapter because it lists the same representatives for an applicant or holder of a license.

**FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Glenna Bowman, Chief Financial Officer, has determined that for each year of the first five years the proposed new section is in effect, there will be no significant fiscal impact to the state or local governments as a result of the enforcement or administration of the proposal.

Monique Johnston, Director of the Motor Vehicle Division, has determined that there will be no measurable effect on local employment or the local economy as a result of the proposal.

**PUBLIC BENEFIT AND COST NOTE.** Ms. Johnston has also determined that, for each year of the first five years the proposed new section is in effect, there are several public benefits anticipated because the proposed new section will allow the department to verify the identity of license applicants, preventing fraudulent applications under false or stolen identities, while giving the department access to more accurate and comprehensive criminal history record information to use in evaluating fitness for licensure under its criminal offense guidelines in §211.3. This new section will benefit the public by preventing bad actors with a history of criminal offenses that directly relate to the duties and responsibilities of a license holder from obtaining licenses from the department and using those licenses to perpetrate fraudulent and criminal actions, or otherwise taking advantage of the position of trust created by the license.

Ms. Johnston anticipates that there will be no additional costs on regulated persons to comply with the fingerprint requirements under this proposal as the new section does not establish fees for

fingerprinting or processing criminal background checks. Fees for fingerprinting and access to criminal history reports are established by DPS under the authority of Texas Government Code Chapter 411.

**ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** In the cost analysis in the Public Benefit and Cost Note section of this proposal, the department has determined that proposed new §211.6 will not result in additional costs for license holders, including any small businesses, micro-businesses, or rural communities. Therefore, the department is not required to prepare a regulatory flexibility analysis under Government Code §2006.002.

**TAKINGS IMPACT ASSESSMENT.** The department has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

**GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that each year of the first five years the proposed new section is in effect, the proposed rule:

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

**REQUEST FOR PUBLIC COMMENT.**

If you want to comment on the proposal, submit your written comments by 5:00 p.m. CST on May 22, 2020. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to [rules@txdmv.gov](mailto:rules@txdmv.gov) or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

**STATUTORY AUTHORITY.** The department proposes new §211.6 under Occupations Code §2301.155; and Transportation Code §503.002 and §1002.001.

Occupations Code §2301.155 authorizes the board to adopt rules as necessary or convenient to administer Occupations Code Chapter 2301 and to govern practice and procedure before the board.

Transportation Code §503.002 authorizes the board to adopt rules for the administration of Transportation Code Chapter 503.

Transportation Code §1002.001, authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department.

CROSS REFERENCE TO STATUTE. Occupations Code §2301.651; Transportation Code §503.034 and §503.038; and Government Code §§411.084, 411.087 and 411.122.

§211.6. Fingerprint Requirements for General Distinguishing Numbers.

(a) The requirements of this section apply to applicants for and holders of a general distinguishing number under Transportation Code Chapter 503 for all dealer types under Transportation Code §503.029(a)(6).

(b) Unless previously submitted to the department by an applicant for an active license issued by the department under Transportation Code Chapter 503, a person applying for a new license, license amendment due to change in ownership, or license renewal, must submit a complete and acceptable set of fingerprints to the Texas Department of Public Safety and pay required fees for purposes of obtaining criminal history record information from the Texas Department of Public Safety and the Federal Bureau of Investigation.

(c) Persons acting in a representative capacity for an applicant or holder of a license who are required to be listed on a licensing application under §215.133(c) of this title (relating to General Distinguish-

ing Number), including the applicant's or holder's officers, directors, members, managers, trustees, partners, principals, or managers of business affairs, must submit a complete and acceptable set of fingerprints and pay fees to the Texas Department of Public Safety under subsection (b) of this section, unless the person has previously submitted fingerprints related to an active license issued by the department under Transportation Code Chapter 503.

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 April 11, 2022.

TRD-202201325

Aline Aucoin

General Counsel

Texas Department of Motor Vehicles

Earliest possible date of adoption: May 22, 2022

For further information, please call: (512) 656-1463



# 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 2. TEXAS EDUCATION AGENCY

#### CHAPTER 127. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR CAREER DEVELOPMENT

##### SUBCHAPTER I. HEALTH SCIENCE

###### 19 TAC §127.416

The Texas Education Agency withdraws proposed new §127.416, which appeared in the October 8, 2021, issue of the *Texas Register* (46 TexReg 6692).

Filed with the Office of the Secretary of State on April 6, 2022.

TRD-202201281

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: April 6, 2022

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



##### SUBCHAPTER M. LAW AND PUBLIC SERVICE

###### 19 TAC §127.651

The Texas Education Agency withdraws proposed new §127.651, which appeared in the October 8, 2021, issue of the *Texas Register* (46 TexReg 6692).

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TRD-202201282

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: April 6, 2022

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



##### SUBCHAPTER O. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS

###### 19 TAC §§127.788 - 127.791

The Texas Education Agency withdraws proposed new §§127.788-127.791, which appeared in the October 8, 2021, issue of the *Texas Register* (46 TexReg 6692).

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TRD-202201283

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: April 6, 2022

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



## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

#### CHAPTER 65. WILDLIFE

##### SUBCHAPTER B. DISEASE DETECTION AND RESPONSE

##### DIVISION 2. CHRONIC WASTING DISEASE - COMPREHENSIVE RULES

###### 31 TAC §65.97

The Texas Parks and Wildlife Department withdraws proposed amended §65.97, which appeared in the February 18, 2022, issue of the *Texas Register* (47 TexReg 744).

Filed with the Office of the Secretary of State on April 11, 2022.

TRD-202201323

James Murphy

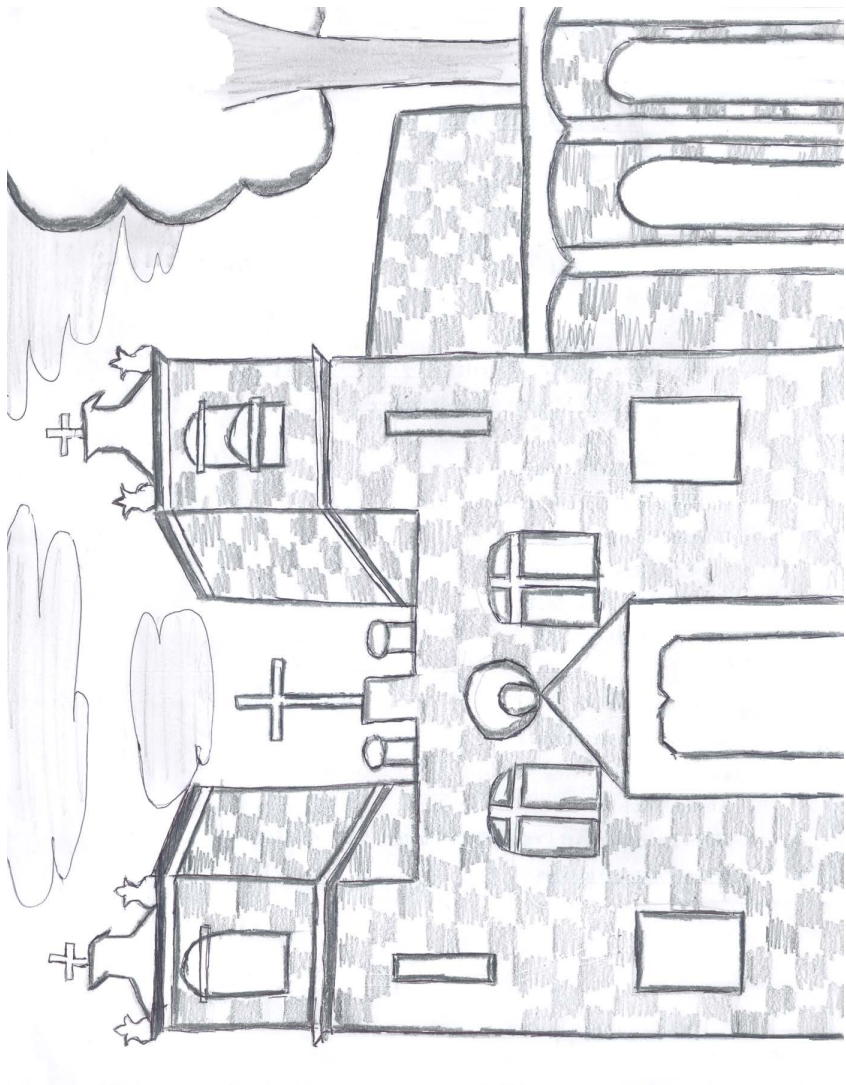
General Counsel

Texas Parks and Wildlife Department

Effective date: April 11, 2022

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







# 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 16. ECONOMIC REGULATION

### PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

#### CHAPTER 60. PROCEDURAL RULES OF THE COMMISSION AND THE DEPARTMENT SUBCHAPTER K. LICENSING PROVISIONS RELATED TO MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES

##### 16 TAC §§60.501, 60.510, 60.512, 60.514, 60.518, 60.519

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 60, Subchapter K, §§60.501, 60.510, 60.512, 60.514 and 60.518, and the proposed new rule at Subchapter K, §60.519, regarding the Procedural Rules of the Commission and the Department, without changes to the proposed text as published in the January 28, 2022, issue of the *Texas Register* (47 TexReg 224). These rules will not be republished.

##### EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The proposed rules under 16 TAC, Chapter 60, Subchapter K, implement Texas Occupations Code, Chapter 51, General Provisions Related to Licensing, and Chapter 55, Licensing of Military Service Members, Military Veterans, and Military Spouses.

The proposed rules are necessary to implement House Bill (HB) 139, 87th Legislature, Regular Session (2021) by updating current definitions in Chapter 55, Occupations Code, and provide for a mandated procedure in rule to allow a non-resident military spouse to obtain license eligibility for occupational licenses that have an in-state residency prerequisite; and to update and remove obsolete references to past bills no longer needed in the current rule subchapter due to subsequent redesignations and reenactments that corrected duplicative statutes passed over the years in separate bills.

##### SECTION-BY-SECTION SUMMARY

The adopted rules amend §60.501, Definitions, to include "Space Force" as one of the military service branches noted in the "Armed Forces of the United States".

The adopted rules amend §60.510, License Requirements for Applicants with Military Experience, Service, Training, or Education, to delete obsolete legislative bill references.

The adopted rules amend §60.512, Expedited Alternative Licensing Requirements--Substantially Equivalent License, to

delete obsolete legislative bill references, and renumbered the subsections accordingly.

The adopted rules amend §60.514, Expedited Alternative Licensing Requirements--Previously Held Texas License, to delete obsolete legislative bill references, and renumbered the subsections accordingly.

The adopted rules amend §60.518, Recognition of Out-of-State License of Military Spouse, to delete obsolete legislative bill references, and clarify rule references.

The adopted rules add new §60.519, License Eligibility-Establishing License Residency Requirement for Out-of-State Military Spouses, which provides an administrative process to establish residency, as required by HB 139, by which a non-resident military spouse could obtain an occupational license that requires in-state residency as a prerequisite for eligibility.

##### PUBLIC COMMENTS

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the January 28, 2022, issue of the *Texas Register* (47 TexReg 224). The deadline for public comments was February 28, 2022. The Department received comments from one interested party on the proposed rules during the 30-day public comment period. The public comments are summarized below.

Comment - The Department received a comment from one interested party in support of the proposed rules.

*Department Response* - The Department appreciates the comment in support of the proposed rules and no change was made to the proposed rules as a result of this comment.

##### COMMISSION ACTION

At its meeting on April 5, 2022, the Commission adopted the proposed rules as published in the *Texas Register*.

##### STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 55, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 55. No other statutes, articles, or codes are affected by the adopted rules.

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

Filed with the Office of the Secretary of State on April 11, 2022.

TRD-202201318

Brad Bowman

General Counsel

Texas Department of Licensing and Regulation

Effective date: May 1, 2022

Proposal publication date: January 28, 2022

For further information, please call: (512) 475-4879



## CHAPTER 100. GENERAL PROVISIONS FOR HEALTH-RELATED PROGRAMS

The Texas Commission of Licensing and Regulation (Commission) adopts the repeal of existing rules at §§100.1, 100.10, 100.31 and 100.50; new rules at 16 Texas Administrative Code (TAC) Chapter 100, §§100.1 - 100.3, 100.11, 100.60 - 100.65, and 100.70 - 100.72; amendments to existing rules at §§100.20, 100.30, and 100.40; and the addition of subchapter titles to an existing chapter, regarding General Provisions for Health-Related Programs, without changes to the proposed text as published in the January 28, 2022, issue of the *Texas Register* (47 TexReg 228). These repeals and rules will not be republished.

### EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC Chapter 100 implement Texas Occupations Code Chapter 51, General Provisions.

The adopted rules implement the provisions of Senate Bill (SB) 40, 87th Legislature, Regular Session (2021) and the provisions of Texas Occupations Code §51.501, as well as changes identified by the Texas Department of Licensing and Regulation (Department) as a result of the four-year rule review process conducted under Texas Government Code §2001.039. The adopted rules are necessary to provide guidelines to health professionals for the use of telehealth and remote continuing education, update rule provisions to reflect current Department procedures, amend outdated rule language, and relocate certain podiatry-specific provisions required by Texas Occupations Code §51.2032 to the podiatry chapter. This rulemaking was accompanied by another rulemaking related to 16 TAC Chapter 130, regarding the Podiatry program.

### SECTION-BY-SECTION SUMMARY

The adopted rules create new Subchapter A, General Provisions.

The adopted rules repeal §100.1, Applicability, and replace it with a new §100.1. The adopted new rule amends the text of this rule to reflect the applicability of Chapter 100 as revised by this rulemaking.

The adopted rules adopt new §100.2, Definitions. The adopted rules adopt this rule text as a relocation of the existing §100.10, which is being repealed. The text is identical to the current §100.10.

The adopted rules adopt new §100.3, Administrative Penalties and Sanctions, outlining the enforcement authority of the Department for violations of the chapter.

The adopted rules repeal §100.10, Definitions, as the text is being relocated to the proposed §100.2 discussed above.

The adopted rules create new Subchapter B, Certain Health-Related Advisory Boards.

The adopted rules adopt new §100.11, Applicability, outlining the applicability of Subchapter B to certain health-related programs administered by the Department.

The adopted rules amend existing §100.20, Providing Information to Advisory Boards for Certain Health-Related Programs, to update language regarding citations to the Occupations Code and health "programs" instead of "professions."

The adopted rules amend existing §100.30, Rules Regarding Certain Health-Related Programs, to update language regarding citations to the Occupations Code and remove references to an expiration date which is no longer in effect.

The adopted rules repeal existing §100.31, Rules Regarding the Podiatric Medicine Program. The provisions of this rule are being relocated to Chapter 130 of the Department's rules in a concurrent rulemaking.

The adopted rules amend existing §100.40, Enforcement Procedures for Certain Health-Related Programs. The adopted rules add a citation for the rule's authority, remove references to employees of the Department of State Health Services, add subsection (g) regarding the immunity of expert reviewers, and make clarifying changes to the structure of the rule.

The adopted rules repeal existing §100.50, Continuing Education Procedures for the Podiatric Medicine Program. The provisions of this rule are being relocated to Chapter 130 of the Department's rules in a concurrent rulemaking.

The adopted rules create new Subsection C, Telehealth.

The adopted rules adopt new §100.60, Applicability, outlining the applicability of Subchapter C to the health-related programs administered by the Department under Title 3, Occupations Code.

The adopted rules adopt new §100.61, Definitions, providing definitions relevant for the provisions of Subchapter C.

The adopted rules adopt new §100.62, License Requirement, specifying the requirement for a license issued by the Department unless an exemption under other applicable law or rule applies.

The adopted rules adopt new §100.63, Standard of Care, establishing that a telehealth service is subject to the same standard of care as an in-person service and nothing in Subchapter C requires a higher standard of care or otherwise alters the applicable standard of care governing the treatment provided.

The adopted rules adopt new §100.64, Appropriate Client Care and Fraud Prevention, providing guidelines for health professionals providing telehealth services to ensure appropriate client care and fraud prevention.

The adopted rules adopt new §100.65, Client Privacy, requiring health professionals providing telehealth services to protect client privacy as required by federal and state law.

The adopted rules create new Subchapter D, Remote Continuing Education for Health Professionals.

The adopted rules adopt new §100.70, Applicability, outlining the applicability of Subchapter D to the health-related programs administered by the Department under Title 3, Occupations Code.

The adopted rules adopt new §100.71, Definitions, providing definitions relevant for the provisions of Subchapter D.

The adopted rules adopt new §100.72, Remote Continuing Education for Health Professionals, permitting use of remote continuing education if allowed by federal and state law and the Department rules governing the health professional's licensure.

#### PUBLIC COMMENTS

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the January 28, 2022, issue of the *Texas Register* (47 TexReg 228). The deadline for public comments was February 28, 2022. The Department received comments from six interested parties on the proposed rules during the 30-day public comment period. The public comments are summarized below.

**Comment--**One commenter, the Texas Academy of Nutrition and Dietetics, submitted a comment in support of the proposed rules, highlighting the added flexibility that telehealth will provide for licensed dietitians.

**Department Response--**The Department appreciates the comment in support of the proposed rules. No changes have been made to the proposed rules as a result of this comment.

**Comment--**Four commenters, the Texas Podiatric Medical Association and three doctors of podiatric medicine, submitted comments requesting changes to the text of §100.72 as drafted in the proposed rules. The requested changes would place a limit of 20 hours on the continuing education (CE) credit that a doctor of podiatric medicine may obtain through remote continuing education. The comments also request changes in Chapter 130 of the Department's rules to limit the amount of acceptable remote continuing education.

**Department Response--**The Department disagrees with these comments, and no changes have been made to the proposed rules as a result of these comments. To the extent that these comments request rule changes to §130.44 of the Department's rules, the comments are not related to the substance of the proposed rules located in Chapter 100.

As currently drafted, §100.72 does not alter the acceptable amounts of CE credit that a doctor of podiatric medicine may obtain under §130.44 of the Department's rules. The Department does not license CE providers or individual courses for podiatry CE credit. Instead, the existing rule for podiatry CE accepts courses from a variety of approved providers. Of particular relevance for these comments is the guidance issued by the American Podiatric Medical Association's autonomous accrediting agency for podiatric medical education, the Council on Podiatric Medical Education (CPME). The CPME draws a distinction between "Internet Live Activity" and "Instructional Media" in the CPME 720 Standards and Requirements for Approval of Providers of Continuing Education in Podiatric Medicine guidance document adopted October 2019, as well as updates provided in response to the COVID-19 pandemic. The Department has issued guidance modeled on this information, and the guidance is available at [www.tdlr.texas.gov/pod/pod.htm](http://www.tdlr.texas.gov/pod/pod.htm). The guidance issued on August 4, 2020, states "[t]here are no limits on the amount of CME hours that can be obtained through internet live activity. Online courses that are not part of an internet live activity may be acceptable for CME self-study credit. Up to 20 hours of self-study CME may be counted towards the CME requirement."

The adoption of §100.72 will not alter the Department's existing interpretation of acceptable CE credit for the podiatry program,

and no other sections of Chapter 100 are relevant to these comments.

**Comment--**One commenter, the Texas Hearing Aid Association, submitted a comment requesting a change to the proposed text of §100.1 to replace the phrase "this chapter applies except in the event of a conflict with specific program statutes and rules" with the phrase "this chapter applies except where specific program statutes and rules exist." Additionally, the comment requested a change to the proposed text of §100.72(a), revising the text from the proposed "[a] health professional may complete any continuing education requirements through remote continuing education, if permitted by applicable federal and state law and the department rules governing the health professional's licensure," to the commenter's requested language of "[h]ealth professionals may complete their continuing education requirements through remote continuing education that is permitted by applicable federal and state law and the department rules governing a health professional's licensure."

**Department Response--**The Department disagrees with this comment, and has made no changes to the proposed rules as a result of this comment.

The commenter's first suggested change, in §100.1, attempts to simplify the proposed rules by removing the "individual interpretation" required to determine if a conflict exists between Chapter 100 and the program specific statutes and rules, and replacing it with a simple determination of whether or not program specific statutes and rules "exist." Unfortunately, this change would have the effect of creating substantial confusion and possibly nullifying significant portions of the regulatory framework. Under the commenter's suggested language, the existence of a program-specific rule related to rulemaking, enforcement, telehealth, or continuing education, regardless of content, would presumably negate the effect of Chapter 100, whether or not the provisions of the program-specific rule or Chapter 100 conflicted with each other. This would have significant unintended consequences and would undermine the purpose of the Chapter 100 rules.

The commenter's second suggested change, in §100.72, attempts to restructure the proposed rule text to remove "any," out of concern that some readers may interpret this provision to require approval of any CE course sent into the Department for credit. However, the word "any" is directly before the phrase "continuing education requirements," meaning that the "any" refers to the CE requirements applicable to that health professional, not any available remote CE course that the health professional may find and complete.

In addition, §100.72 includes the condition "if permitted by applicable federal and state law and the department rules governing the health professional's licensure," and §100.70(d) states "[t]o the extent that any provision of this subchapter conflicts with any provision of the laws or rules governing a program in subsection (a), the specific provision governing a program will prevail over this subchapter." If a program-specific rule imposes limitations or restrictions on the type or amount of CE a health professional may use to satisfy applicable requirements, the Chapter 100 proposed rules will not alter the applicability of those existing program-specific CE rules. For example, the hearing instrument fitters and dispensers program has specific rules related to CE in Chapter 112 of the Department's rules, meaning the adoption of these proposed rules will not alter the applicability of the existing program-specific CE rules for acceptable providers and acceptable courses.

COMMISSION ACTION

At its meeting on April 5, 2022, the Commission adopted the proposed rules as published in the *Texas Register*.

**16 TAC §§100.1, 100.10, 100.31, 100.50**

STATUTORY AUTHORITY

The adopted repeals are adopted under Texas Occupations Code, Chapters 51, 202, 203, 401, 402, 403, 451, 455, 506, 605, and 701, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapters 51, 202, 203, 401, 402, 403, 451, 455, 506, 605, and 701. No other statutes, articles, or codes are affected by the adopted repeals.

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 April 11, 2022.

TRD-202201322

Brad Bowman

General Counsel

Texas Department of Licensing and Regulation

Effective date: May 1, 2022

Proposal publication date: January 28, 2022

For further information, please call: (512) 475-4879



**SUBCHAPTER A. GENERAL PROVISIONS**

**16 TAC §§100.1 - 100.3**

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51, 202, 203, 401, 402, 403, 451, 455, 506, 605, and 701, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51, 202, 203, 401, 402, 403, 451, 455, 506, 605, and 701. No other statutes, articles, or codes are affected by the adopted rules.

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

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TRD-202201384

Brad Bowman

General Counsel

Texas Department of Licensing and Regulation

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For further information, please call: (512) 475-4879



**SUBCHAPTER B. CERTAIN HEALTH-RELATED ADVISORY BOARDS**

**16 TAC §§100.11, 100.20, 100.30, 100.40**

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51, 202, 203, 401, 402, 403, 451, 455, 506, 605, and 701, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51, 202, 203, 401, 402, 403, 451, 455, 506, 605, and 701. No other statutes, articles, or codes are affected by the adopted rules.

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

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TRD-202201385

Brad Bowman

General Counsel

Texas Department of Licensing and Regulation

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For further information, please call: (512) 475-4879



**SUBCHAPTER C. TELEHEALTH**

**16 TAC §§100.60 - 100.65**

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51, 202, 203, 401, 402, 403, 451, 455, 506, 605, and 701, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51, 202, 203, 401, 402, 403, 451, 455, 506, 605, and 701. No other statutes, articles, or codes are affected by the adopted rules.

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

Filed with the Office of the Secretary of State on April 11, 2022.

TRD-202201386

Brad Bowman

General Counsel

Texas Department of Licensing and Regulation

Effective date: May 1, 2022

Proposal publication date: January 28, 2022

For further information, please call: (512) 475-4879



## SUBCHAPTER D. REMOTE CONTINUING EDUCATION FOR HEALTH PROFESSIONALS

### 16 TAC §§100.70 - 100.72

#### STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51, 202, 203, 401, 402, 403, 451, 455, 506, 605, and 701, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51, 202, 203, 401, 402, 403, 451, 455, 506, 605, and 701. No other statutes, articles, or codes are affected by the adopted rules.

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

Filed with the Office of the Secretary of State on April 11, 2022.

TRD-202201387

Brad Bowman

General Counsel

Texas Department of Licensing and Regulation

Effective date: May 1, 2022

Proposal publication date: January 28, 2022

For further information, please call: (512) 475-4879



## PART 9. TEXAS LOTTERY COMMISSION

### CHAPTER 401. ADMINISTRATION OF STATE LOTTERY ACT

#### SUBCHAPTER D. LOTTERY GAME RULES

### 16 TAC §§401.304, 401.305, 401.307, 401.312, 401.315 - 401.317, 401.320

The Texas Lottery Commission (Commission) adopts amendments to 16 TAC §401.304 (Draw Game Rules (General)), §401.305 ("Lotto Texas" Draw Game Rule), §401.307 ("Pick 3" Draw Game Rule), §401.312 ("Texas Two Step" Draw Game Rule), §401.315 ("Mega Millions" Draw Game Rule), §401.316 ("Daily 4" Draw Game Rule), §401.317 ("Powerball" Draw Game Rule), and §401.320 ("All or Nothing" Draw Game Rule) without changes to the proposed text as published in the February 25, 2022, issue of the *Texas Register* (47 TexReg 846). The rules will not be republished.

The amendments to §401.305 and §401.317 increase the number of consecutive draws a player can purchase in the Lotto Texas and Powerball draw games, respectively. The amendments also consolidate various provisions regarding a player's verification of numbers and other selection(s) on a lottery ticket from the individual draw game rules (§§401.305, 401.307, 401.312, 401.315, 401.316, 401.317, 401.320) into the general draw game rule (§401.304).

The Commission received no written comments on the proposed amendments during the public comment period.

These amendments are adopted under Texas Government Code §466.015(c), which authorizes the Commission to adopt rules governing the operation of the lottery, and §467.102, which authorizes the Commission to adopt rules for the enforcement and administration of the laws under the Commission's jurisdiction.

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 April 8, 2022.

TRD-202201302

Bob Biard

General Counsel

Texas Lottery Commission

Effective date: April 28, 2022

Proposal publication date: February 25, 2022

For further information, please call: (512) 344-5392



## TITLE 19. EDUCATION

### PART 2. TEXAS EDUCATION AGENCY

#### CHAPTER 74. CURRICULUM REQUIREMENTS

#### SUBCHAPTER CC. COMMISSIONER'S RULES CONCERNING READING PRACTICES

### 19 TAC §74.2001

The Texas Education Agency (TEA) adopts new §74.2001, concerning reading practices. The new section is adopted with changes to the proposed text as published in the October 8, 2021 issue of the *Texas Register* (46 TexReg 6657) and will be republished. The adopted new rule implements statutory requirements for a phonics curriculum as required by House Bill (HB) 3, 86th Texas Legislature, 2019.

**REASONED JUSTIFICATION:** Texas Education Code (TEC), §28.0062, as added by HB 3, 86th Texas Legislature, 2019, requires school districts and charter schools to provide for the use of a phonics curriculum that uses systematic direct instruction in Kindergarten-Grade 3 to ensure all students obtain necessary early literacy skills.

New §74.2001 implements TEC, §28.0062, and outlines the required components of a phonics curriculum.

The following changes were made to the rule since published as proposed.

In response to public comment, subsection (b) was amended to clarify that explicit and systematic instruction is necessary to effectively teach phonics in English and in Spanish.

In response to public comment, subsection (b)(1)(A) was amended to further clarify that for the applicable Kindergarten-Grade 3 grade level and as identified in the Texas Resource Review rubric, a program must align with a subset of the developing and sustaining foundational language skills portion of the Texas Essential Knowledge and Skills (TEKS) for English Language Arts and Reading for English instruction and the TEKS for Spanish Language Arts and Reading for Spanish instruction.

In response to public comment, subsection (b)(3)(A) was amended to clarify its applicability only to English instruction.

In response to public comment, new subsection (b)(4) was added to clarify that a phonics program that does not meet all criteria in subsection (b)(1) may be used by a school district or open-enrollment charter school if the program has a strong evidence base and is used in conjunction with a phonics program that meets all criteria in subsection (b)(1).

**SUMMARY OF COMMENTS AND AGENCY RESPONSES:** The public comment period on the proposal began October 8, 2021, and ended November 8, 2021. Following is a summary of the public comments received and the corresponding agency responses.

**Comment.** One administrator requested that the agency consider the addition of a required phonics curriculum that will be state funded. The commenter stated that it is crucial that this does not have a financial impact on school districts, especially with recent huge cuts to instructional materials allotment (IMA) funding.

**Response.** The agency disagrees that the rule should specify that a phonics curriculum would be state funded and offers the following clarification. In addition to IMA funding that school districts and open-enrollment charter schools receive each biennium for purchase of instructional materials, districts now receive an early education allotment for each Kindergarten-Grade 3 student in average daily attendance who is educationally disadvantaged and each emergent bilingual student who is in a bilingual education or special language program. The early education allotment may also be used to purchase required phonics programs.

**Comment.** One administrator stated that new curriculum is needed that follows the science of teaching reading, which is what is taught in the mandated reading academies. The commenter stated that the current adopted English Language Arts and Reading curriculum is not sufficient and there are many great curricula that are already published that align with the science of teaching reading.

**Response.** The agency agrees that phonics programs should align to the science of teaching reading. In response to other comments, language was adjusted at adoption to further clarify the rule.

**Comment.** An individual expressed concern that the proposed rule provides a "one size fits all" and highly prescriptive method for teaching explicit phonics in Kindergarten-Grade 3.

**Response.** The agency disagrees that the rule is "one size fits all" and clarifies that the rule outlines the components of an effective phonics program to guide local school district decision making regarding selection of phonics programs. However, the agency added new subsection (b)(4) at adoption to clarify that a phonics program that does not meet all criteria in subsection (b)(1) of the rule may be used by a school district or open-enrollment charter school if the program has a strong evidence base and is used in conjunction with a phonics program that meets all criteria in subsection (b)(1).

**Comment.** An individual expressed concern that the method proposed in the rule is designed to meet the needs of English-proficient children who are learning to encode/decode in English in monolingual English classroom settings. The commenter stated that the proposed rule needs to be adjusted to reflect the specific literacy needs of all students in Texas, including those identified

as emergent bilingual(EB)/English learner (EL) who are served in one of the state's approved English as a second language (ESL), transitional bilingual education, and dual language immersion models.

**Response.** The agency agrees that the rule can further clarify applicability to English instruction and applicability to Spanish instruction. In response to this and other comments, changes were made to the rule at adoption. Subsection (b) was adjusted to clarify that explicit and systematic instruction is necessary to effectively teach phonics in English and in Spanish. Subsection (b)(1)(A) was adjusted to further clarify required alignment to specific standards within the TEKS for English Language Arts and Reading for English instruction and the TEKS for Spanish Language Arts and Reading for Spanish instruction. Subsection (b)(3)(A) was adjusted to clarify its applicability only to English instruction.

**Comment.** An individual recommended that the proposed rule be amended to provide clear options for teachers teaching explicit phonics instruction in English to EB/ELs, for teachers teaching explicit phonics instruction in Spanish to EB/ELs in bilingual education and dual language instruction one-way classrooms, and for teachers teaching English-proficient students learning to read in Spanish in dual language instruction two-way classrooms.

**Response.** The agency agrees that the rule can further clarify explicit phonics in English instruction and explicit phonics in Spanish instruction. In response to this and other comments, changes were made to the rule at adoption. Subsection (b) was adjusted to clarify that explicit and systematic instruction is necessary to effectively teach phonics in English and in Spanish. Subsection (b)(1)(A) was adjusted to further clarify required alignment to specific standards within the TEKS for English Language Arts and Reading for English instruction and the TEKS for Spanish Language Arts and Reading for Spanish instruction. Subsection (b)(3)(A) was adjusted to clarify its applicability only to English instruction.

**Comment.** An individual stated that Texas has adopted the term "emergent bilingual" to replace the term "English learner," and much of the nation is watching to see how Texas enacts policy to support effective development of bilingualism and biliteracy in our school children.

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

**Comment.** An individual recommended that the proposed rule be amended to make sure it supports effective phonics instruction in all Kindergarten-Grade 3 classrooms rather than continuing the long-standing practice of inequitably imposing what works for English-proficient students in monolingual English classrooms on students in the state's growing number of ESL, bilingual education, and dual language instruction classrooms.

**Response.** The agency agrees that the rule can further clarify explicit phonics in English instruction and explicit phonics in Spanish instruction. In response to this and other comments, changes were made to the rule at adoption. Subsection (b) was adjusted to clarify that explicit and systematic instruction is necessary to effectively teach phonics in English and in Spanish. Subsection (b)(1)(A) was adjusted to further clarify required alignment to specific standards within the TEKS for English Language Arts and Reading for English instruction and the TEKS for Spanish Language Arts and Reading for Spanish instruction. Subsection

(b)(3)(A) was adjusted to clarify its applicability only to English instruction.

Comment. An individual stated that Texas proclaims its commitment to increasing the number of effective dual language instruction one-way and two-way models across Texas and, to ensure the success of these dual language instruction models (the primary goal of which is to develop bilingualism and biliteracy), sound and research-supported methods in explicit phonics instruction is needed in English (including for students not yet proficient in English), Spanish, and other languages in which reading/writing is taught. The commenter stated that the proposed rule fails in this regard and thus threatens the academic success of the state's over one million students identified as EB/EL and works directly against successful implementation of the state's dual language instruction initiative.

Response. The agency disagrees that the rule threatens the academic success of the state's emergent bilingual students and works against successful implementation of the state's dual language instruction initiative. The rule specifically addresses phonics instruction in Spanish. In response to other comments, changes were made to the rule at adoption. Subsection (b) was adjusted to clarify that explicit and systematic instruction is necessary to effectively teach phonics in English and in Spanish. Subsection (b)(1)(A) was adjusted to further clarify required alignment to specific standards within the TEKS for English Language Arts and Reading for English instruction and the TEKS for Spanish Language Arts and Reading for Spanish instruction. Subsection (b)(3)(A) was adjusted to clarify its applicability only to English instruction.

Comment. An individual requested clarification on whether the proposed rule applies to both English and Spanish phonics instruction. The commenter asked, if yes, since words in Spanish can generally "be sounded out" and generally do "follow the rules of phonics," does this mean that §74.2001(b)(3)(A) only applies to English phonics instruction under this rule?

Response. The agency provides the following clarification. The rule does apply to both English and Spanish phonics instruction. In response to this and other comments, changes were made to the rule at adoption. Subsection (b) was adjusted to clarify that explicit and systematic instruction is necessary to effectively teach phonics in English and in Spanish and subsection (b)(3)(A) was adjusted to clarify its applicability only to English instruction.

Comment. An individual asked if, for Spanish instruction, "use of pictures or context clues to decode words" is allowable under the proposed rule.

Response. The agency provides the following clarification. Subsection (b)(3)(A) applies specifically to English instruction. Subsection (b)(3)(A) was adjusted at adoption to clarify its applicability only to English instruction.

Comment. An individual recommended adding clarification so there is a distinction between what is appropriate in explicit phonics instruction in English versus explicit phonics instruction in Spanish.

Response. The agency agrees that the rule can further clarify explicit phonics in English instruction and explicit phonics in Spanish instruction. In response to this and other comments, changes were made to the rule at adoption. Subsection (b) was adjusted to clarify that explicit and systematic instruction is necessary to effectively teach phonics in English and in Spanish. Subsection (b)(1)(A) was adjusted to further clarify required alignment

to specific standards within the TEKS for English Language Arts and Reading for English instruction and the TEKS for Spanish Language Arts and Reading for Spanish instruction. Subsection (b)(3)(A) was adjusted to clarify its applicability only to English instruction.

Comment. An individual stated that the current wording is inequitable in that it imposes a restriction designed for English phonics instruction aimed at English-speaking/proficient children on teachers assigned to teach Spanish phonics in transitional bilingual and/or one-way/two-way dual language classrooms. The commenter stated that research is clear that instructional practices for initial literacy instruction must authentically reflect the language in which literacy is being taught - in other words, practices must be authentic to the English language when English literacy is being taught and authentic to the Spanish language when Spanish literacy is taught.

Response. The agency disagrees that the wording of the rule is inequitable. The rule specifically addresses phonics instruction in Spanish. However, in response to this and other comments, changes were made to the rule at adoption. Subsection (b) was adjusted to clarify that explicit and systematic instruction is necessary to effectively teach phonics in English and in Spanish. Subsection (b)(1)(A) was adjusted to further clarify required alignment to specific standards within the TEKS for English Language Arts and Reading for English instruction and the TEKS for Spanish Language Arts and Reading for Spanish instruction. Subsection (b)(3)(A) was adjusted to clarify its applicability only to English instruction.

Commenter. An individual stated that the Spanish language is a "transparent" language that is highly and readily decodable (as opposed to English, which is an "opaque" language that has many spelling irregularities and is challenging to decode). The commenter stated that the proposed rule language needs to reflect this key difference and make clear that the restriction in the rule applies only to teachers engaged in explicit phonics instruction for English decoding/encoding that is delivered for students who are already fluent in English. The commenter stated that restricted teacher behaviors/strategies should not be applied to teachers of Spanish phonics as there is no research base or rationale for this restriction in the case of the teaching of reading/writing in Spanish.

Response. The agency agrees that the rule can further clarify explicit phonics in English instruction and explicit phonics in Spanish instruction. In response to this and other comments, changes were made to the rule at adoption. Subsection (b) was adjusted to clarify that explicit and systematic instruction is necessary to effectively teach phonics in English and in Spanish. Subsection (b)(1)(A) was adjusted to further clarify required alignment to specific standards within the TEKS for English Language Arts and Reading for English instruction and the TEKS for Spanish Language Arts and Reading for Spanish instruction. Subsection (b)(3)(A) was adjusted to clarify its applicability only to English instruction.

Comment. An individual requested clarification on whether the proposed rule applies to teachers of Kindergarten-Grade 3 students identified as EB/ELs who are served through an ESL model and learning to read in English. The commenter stated that, if yes, clarification/amended language is needed to distinguish between explicit phonics instruction in English for English-proficient students versus for students identified as EB/ELs

Response. The agency agrees that the rule can further clarify explicit phonics in English instruction and explicit phonics in Spanish instruction. In response to this and other comments, changes were made to the rule at adoption. Subsection (b) was adjusted to clarify that explicit and systematic instruction is necessary to effectively teach phonics in English and in Spanish. Subsection (b)(1)(A) was adjusted to further clarify required alignment to specific standards within the TEKS for English Language Arts and Reading for English instruction and the TEKS for Spanish Language Arts and Reading for Spanish instruction. Subsection (b)(3)(A) was adjusted to clarify its applicability only to English instruction.

Comment. An individual stated that research is clear that young EB/ELs who participate in explicit English phonics instruction (without pictures or context clues) perform well on word-level decoding but do not perform well subsequently in reading comprehension tests due to lack of oral language and vocabulary development that lend meaningful context to explicit phonics instruction. The commenter stated that young EB/ELs benefit from both explicit phonics instruction and pictures/context clues during that instruction.

Response. The agency agrees that the rule can further clarify explicit phonics in English instruction and explicit phonics in Spanish instruction. In response to this and other comments, changes were made to the rule at adoption. Subsection (b) was adjusted to clarify that explicit and systematic instruction is necessary to effectively teach phonics in English and in Spanish. Subsection (b)(1)(A) was adjusted to further clarify required alignment to specific standards within the TEKS for English Language Arts and Reading for English instruction and the TEKS for Spanish Language Arts and Reading for Spanish instruction. Subsection (b)(3)(A) was adjusted to clarify its applicability only to English instruction.

Comment. An individual stated that the proposed rule language is ambiguous in its use of the words "instead of" in subsection (b)(3)(A). The commenter requested clarification whether this means that the "use of pictures or context clues to decode words" is allowable under this rule as long as their "use" is in addition to "explicit teaching of words that cannot be sounded out and that do not follow the rules of phonics" but not "instead or in the place of."

Response. The agency offers the following clarification. A phonics program may not teach word recognition through the use of pictures or context clues instead of explicit instruction.

Comment. An individual suggested that the rule language be revised to make clear that teachers of explicit phonics instruction in English may/shall provide picture/context clues for students who are identified as EB/ELs. The commenter stated that this change is critical to ensure equitable access of the state's sizable number of Kindergarten-Grade 3 EB/ELs to high-quality and effective literacy instruction in English.

Response. The agency disagrees that the rule language should be revised to permit teachers of explicit phonics instruction in English to provide picture/context clues for students who are identified as EB/EL. The rule specifies that explicit and systematic instruction is necessary to effectively teach phonics in Spanish. However, in response to this and other comments, changes were made to the rule at adoption. Subsection (b) was adjusted to clarify that explicit and systematic instruction is necessary to effectively teach phonics in English and in Spanish. Subsection (b)(1)(A) was adjusted to further clarify required alignment

to specific standards within the TEKS for English Language Arts and Reading for English instruction and the TEKS for Spanish Language Arts and Reading for Spanish instruction. Subsection (b)(3)(A) was adjusted to clarify its applicability only to English instruction.

Comment. One teacher requested that the agency ensure the list of vendors is not final and that other vendors who improve their curriculum products can be added to the list of approved vendors, especially for Spanish phonics materials, which are very limited and are not systematic or very explicit. The commenter stated that they believe once the rubric is out, vendors will seek to improve their products and they should have an opportunity to be added to the list of approved vendors.

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

Comment. One teacher stated that the language for the proposed rule is appropriate and aligned to the Spanish Language Arts and Reading TEKS.

Response. The agency agrees that rule is appropriate and aligned to the Spanish Language Arts and Reading TEKS. In response to other comments, language was adjusted at adoption to further clarify the rule.

Comment. Eagle Mountain-Saginaw Independent School District requested that when the state evaluates what each school district has under §74.2001(b)(2)(A), it doesn't just name purchased products but includes school district-created materials that have been purposefully designed and aligned to the best practices of the TEKS, Texas Reading Academies, and the statutory requirements for a phonics curriculum as required by House Bill 3.

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

Comment. A representative of Amplify recommended that the agency change "direct instruction" to "explicit instruction" in §74.2001(a)(2). The commenter stated that this recommendation dovetails with the National Reading Panel recommendation regarding the importance of "explicit" instruction and the International Dyslexia Association's belief that systematic, explicit instruction is a critical component of effective instruction.

Response. The agency disagrees that direct instruction should be changed to explicit instruction. Direct instruction is an appropriate term for purposes of the rule. In response to other comments, language was adjusted at adoption to further clarify the rule.

Comment. A representative of Amplify recommended that the agency include a bullet under §74.2001(b)(1) that states, "include instruction that begins at the phoneme level and progresses to the word level." The commenter stated that research indicates students need practice to automatize their knowledge and use the sound-to-letter correspondences that they have learned to read and spell, and students must be able to hear, identify, differentiate, and manipulate phonemes as a precursor to formal phonics instruction.

Response. The agency disagrees that language regarding phonemes should be included in the rule because the rule references the developing and sustaining foundational language skills portion of the TEKS. This portion of the TEKS includes instruction in phonemic awareness. Additionally, the quality



rubric components of the Texas Resource Review referenced in the rule address phonemic awareness.

Comment. A representative of Amplify recommended that the agency change "connected, controlled texts" to "connected, decodable texts" in §74.2001(b)(1)(E). The commenter stated that, to create strong, fluent readers, instruction must help students read words automatically and effortlessly. The commenter stated that explicit instruction in and extensive practice with the spelling patterns of the English language is the only way that students can transition from learning to read (in which mental energy is focused on decoding) to reading to learn (in which, since decoding has become automatic, mental energy can be devoted to comprehension of more complex texts and topics).

Response. The agency disagrees that "connected, controlled texts" should be changed to "connected, decodable texts." The language as proposed is more appropriate. In response to other comments, language was adjusted at adoption to further clarify the rule.

Comment. Amplify recommended that the agency change "foundational literacy skills" to "foundational reading skills" in §74.2001(b)(2)(A). The commenter stated that literacy is an overall term that would include reading, writing, speaking, and listening, but phonics curriculum specifically targets reading.

Response. The agency disagrees that "foundational literacy skills" should be changed to "foundational reading skills." "Foundation literacy skills" is the term used in the TEKS. In response to other comments, language was adjusted at adoption to further clarify the rule.

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §28.0062, as added by House Bill 3, 86th Texas Legislature, 2019, which requires school districts and charter schools to provide for the use of a phonics curriculum that uses systematic direct instruction in Kindergarten through third grade to ensure all students obtain necessary early literacy skills. TEC, §28.0062(e), permits the commissioner to adopt rules to implement these requirements.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.0062.

*§74.2001. Phonics Curriculum.*

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

(1) Systematic instruction--Instruction that is carefully planned and sequenced where simple concepts are taught first before progressing to more complex concepts. This form of instruction is broken down into manageable step-by-step pieces that are aligned to instructional goals.

(2) Direct instruction--Explicit, teacher-led instruction that clearly and specifically teaches a skill through concise explanation, modeling, practice, and feedback.

(3) Phonics--The ability to read (decode) and spell (encode) individual words. Decoding refers to the process of using letter-sound knowledge to blend sounds and word parts to read words. Encoding refers to the process of using letter-sound knowledge to spell words.

(b) Each school district and open-enrollment charter school shall adopt a phonics curriculum for Kindergarten-Grade 3. Explicit and systematic instruction is necessary to effectively teach phonics in English and in Spanish.

(1) A phonics curriculum must:

(A) for the applicable Kindergarten-Grade 3 grade level and as identified in the Texas Resource Review rubric, align with a subset of the developing and sustaining foundational language skills portion of the Texas Essential Knowledge and Skills, as follows:

(i) for English Language Arts and Reading when teaching students to read in English; or

(ii) for Spanish Language Arts and Reading when teaching students to read in Spanish;

(B) align with current and confirmed research in reading and cognitive science;

(C) provide concise, direct, explicit, and systematic phonics instruction with cumulative review;

(D) provide specific daily instructional sequences and routines, which include modeling, guided practice, and application with immediate, corrective feedback;

(E) include ongoing practice opportunities in isolation and in connected, controlled text that follows the instructional focus;

(F) include assessments to measure and monitor student progress;

(G) provide specific guidance after monitoring progress to support students in reaching mastery of a concept or to accelerate instruction as needed; and

(H) include the quality components addressed in a phonics-specific rubric approved by the commissioner of education for use in the Texas Resource Review.

(2) The program may:

(A) function as a stand-alone phonics program, be part of a core language arts program, or act as a supplemental foundational literacy skills program; and

(B) include scaffolded application in specific daily instructional sequences and routines.

(3) The program may not:

(A) teach word recognition, when teaching students to read in English, through visual memory, guessing, the shape of a word, or the use of pictures or context clues to decode words instead of explicitly teaching words that cannot be sounded out and that do not follow the rules of phonics; or

(B) be used solely for intervention purposes rather than for core instruction implementation.

(4) A phonics program that does not meet all criteria in paragraph (1) of this subsection may be used by a school district or open-enrollment charter school if the program has a strong evidence base and is used in conjunction with a phonics program that meets all criteria in paragraph (1) of this subsection.

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 April 8, 2022.

TRD-202201304

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## CHAPTER 112. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR SCIENCE

The State Board of Education (SBOE) adopts new §§112.1-112.7 and 112.25-112.28, concerning Texas Essential Knowledge and Skills (TEKS) for science. New §112.1 and §112.25 are adopted without changes to the proposed text as published in the October 8, 2021 issue of the *Texas Register* (46 TexReg 6670) and will not be republished. New §§112.2-112.7 and 112.26-112.28 are adopted with changes to the proposed text as published in the October 8, 2021 issue of the *Texas Register* (46 TexReg 6670) and will be republished. The adopted new sections update the standards to better align the content and ensure they remain current.

**REASONED JUSTIFICATION:** In accordance with statutory requirements that the SBOE by rule identify the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

At the September 2019 meeting, SBOE members were asked to designate content advisors for the review and revision of the science TEKS. In December 2019, applications to serve on science TEKS review work groups were posted on the Texas Education Agency (TEA) website. Additionally, in December 2019, TEA distributed a survey to collect information from educators regarding the review and revision of the science TEKS. TEA staff provided applications for the science review work groups to SBOE members on a monthly basis from December 2019 to June 2020 and in September, October, and December 2020. At the January 2020 SBOE meeting, the SBOE provided specific guidance for the TEKS review work groups.

Also in January 2020, science TEKS review content advisors met in a face-to-face meeting to develop consensus recommendations regarding revisions to the science TEKS to share with future work groups. At that time, the content advisors met with representatives from Work Group A to discuss the consensus recommendations. Work Group A convened in February 2020 to review survey results, content advisor consensus recommendations, and the SBOE's guidance to work groups to develop recommendations for how science TEKS review work groups can address these areas. Work Group B was convened virtually in June 2020 to develop recommendations for four high school science courses: Biology, Chemistry, Integrated Physics and Chemistry, and Physics. In November 2020, the SBOE approved for second reading and final adoption proposed new §§112.41-112.45 for implementation beginning in the 2023-2024 school year.

Work Group D was convened for monthly meetings from November 2020-February 2021 to develop recommendations for TEKS for five additional high school science courses: Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, and a new course Specialized Topics in Science. In June 2021, the board gave final approval to the additional high school sci-

ence courses. Specialized Topics in Science was approved for implementation beginning in the 2022-2023 school year. Aquatic Science, Astronomy, Earth and Space Science, and Environmental Systems were approved for implementation beginning in the 2024-2025 school year.

Between August and November 2020, Work Group C convened for a series of virtual meetings to develop recommendations for the Grades 6-8 science TEKS. Work Group E was convened for monthly meetings between January and March 2021 to develop recommendations for the science TEKS for Kindergarten-Grade 5. Work Groups C and E were reconvened in May and June 2021 to address public feedback and revise their draft recommendations. Work Group F was convened for a series of virtual meetings in July 2021 to address SBOE feedback provided at the April and June 2021 SBOE meetings, vertically align the elementary and middle school standards, meet with content advisors, and finalize the draft recommendations for the Kindergarten-Grade 8 TEKS for science. At the September 2021 SBOE meeting, the board approved for first reading and filing authorization proposed new TEKS for Kindergarten-Grade 8 science.

New §§112.1-112.7 and 112.25-112.28 introduce new science standards for Kindergarten-Grade 8 to be implemented in the 2024-2025 school year.

The following changes were made since published as proposed.

### *Chapter 112, Subchapter A*

Section 112.2(a)(1)(A) was amended by inserting the word "correlative" after the word "descriptive," replacing the word "include" with the word "includes," inserting the phrase "have no hypothesis that tentatively answers the research question and" before the phrase "involve collecting data," inserting the phrase "correlative and" before the phrase "comparative investigations," inserting the phrase "have a hypothesis that predicts a relationship and" before the phrase "involve collecting data," replacing the word "with" with the word "measuring," inserting the phrase "relevant to the hypothesis" before the phrase "that are manipulated," replacing the phrase "to compare" with the phrase "and comparing," inserting the phrase "hypothesis can be tested by comparing a treatment with" before the word "control," and striking the phrase "is identified."

Section 112.2(a)(3) was amended by inserting the phrase "observations, inferences" before the word "hypotheses."

New §112.2(a)(3)(A) was added to read, "observations are active acquisition of either qualitative or quantitative information from a primary source through the senses."

New §112.2(a)(3)(B) was added to read, "inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence."

Changes were made to re-letter proposed §112.2(a)(3)(A) and §112.2(a)(3)(B) to §112.2(a)(3)(C) and §112.2(a)(3)(D), respectively.

The student expectation in §112.2(b)(1)(D) was amended by striking the word "technology."

The student expectation in §112.2(b)(4)(B) was amended by striking the word "what" and replacing the word "are" with the phrase "such as Isaac Newton, Mae Jemison, and Ynes Mexia."

Section 112.3(a)(1)(A) was amended by inserting the word "correlative" after the word "descriptive," replacing the word "include" with the word "includes," inserting the phrase "have no hypoth-

esis that tentatively answers the research question and" before the phrase "involve collecting data," inserting the phrase "correlative and" before the phrase "comparative investigations," inserting the phrase "have a hypothesis that predicts a relationship and" before the phrase "involve collecting data," replacing the word "with" with the word "measuring," inserting the phrase "relevant to the hypothesis" before the phrase "that are manipulated," replacing the phrase "to compare" with the phrase "and comparing," inserting the phrase "hypothesis can be tested by comparing a treatment with" before the word "control," and striking the phrase "is identified."

Section 112.3(a)(3) was amended by inserting the phrase "observations, inferences" before the word "hypotheses."

New §112.3(a)(3)(A) was added to read, "observations are active acquisition of either qualitative or quantitative information from a primary source through the senses."

New §112.3(a)(3)(B) was added to read, "inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence."

Changes were made to re-letter proposed §112.3(a)(3)(A) and §112.3(a)(3)(B) to §112.3(a)(3)(C) and §112.3(a)(3)(D), respectively.

The student expectation in §112.3(b)(1)(D) was amended by striking the word "technology."

The student expectation in §112.3(b)(4)(B) was amended by striking the word "what" and replacing the word "are" with the phrase "such as Katherine Johnson, Sally Ride, and Ernest Just."

The student expectation in §112.3(b)(8)(A) was amended by replacing the word "hair" with the word "clothes."

A new student expectation in §112.3(b)(11)(B) was added that reads, "explain why water conservation is important."

The student expectation in proposed §112.3(b)(11)(B) was amended by re-lettering it to §112.3(b)(11)(C) and inserting the phrase "water such as turning off the faucet when brushing teeth" after the word "conserve" and deleting the phrase "turning off the faucet when brushing teeth" before the phrase "keeping trash."

Section 112.4(a)(1)(A) was amended by inserting the word "correlative" after the word "descriptive," replacing the word "include" with the word "includes," inserting the phrase "have no hypothesis that tentatively answers the research question and" before the phrase "involve collecting data," inserting the phrase "correlative and" before the phrase "comparative investigations," inserting the phrase "have a hypothesis that predicts a relationship and" before the phrase "involve collecting data," replacing the word "with" with the word "measuring," inserting the phrase "relevant to the hypothesis" before the phrase "that are manipulated," replacing the phrase "to compare" with the phrase "and comparing," inserting the phrase "hypothesis can be tested by comparing a treatment with" before the word "control," and striking the phrase "is identified."

Section 112.4(a)(3) was amended by inserting the phrase "observations, inferences" before the word "hypotheses."

New §112.4(a)(3)(A) was added to read, "observations are active acquisition of either qualitative or quantitative information from a primary source through the senses."

New §112.4(a)(3)(B) was added to read, "inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence."

Changes were made to re-letter proposed §112.4(a)(3)(A) and §112.4(a)(3)(B) to §112.4(a)(3)(C) and §112.4(a)(3)(D), respectively.

The student expectation in §112.4(b)(1)(D) was amended by striking the word "technology."

The student expectation in §112.4(b)(4)(B) was amended by striking the word "what," striking the word "or," and replacing the word "are" with the phrase "such as Alexander Graham Bell, Mary Daly, Mario Molina, and Jane Goodall."

The student expectation in §112.4(b)(9)(B) was amended by striking the phrase "and compare how," replacing the phrase "are more visible and can appear different with" with the phrase "using tools such as," and inserting the phrase "and compare how objects in the sky are more visible and can appear different with a tool."

Section 112.5(a)(1)(A) was amended by inserting the word "correlative" after the word "descriptive," replacing the word "include" with the word "includes," inserting the phrase "have no hypothesis that tentatively answers the research question and" before the phrase "involve collecting data," inserting the phrase "correlative and" before the phrase "comparative investigations," inserting the phrase "have a hypothesis that predicts a relationship and" before the phrase "involve collecting data," replacing the word "with" with the word "measuring," inserting the phrase "relevant to the hypothesis" before the phrase "that are manipulated," replacing the phrase "to compare" with the phrase "and comparing," inserting the phrase "hypothesis can be tested by comparing a treatment with" before the word "control," and striking the phrase "is identified."

Section 112.5(a)(3) was amended by inserting the phrase "observations, inferences" before the word "hypotheses."

New §112.5(a)(3)(A) was added to read, "observations are active acquisition of either qualitative or quantitative information from a primary source through the senses."

New §112.5(a)(3)(B) was added to read, "inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence."

Changes were made to re-letter proposed §112.5(a)(3)(A) and §112.5(a)(3)(B) to §112.5(a)(3)(C) and §112.5(a)(3)(D), respectively.

The student expectation in §112.5(b)(9)(B) was amended by replacing the word "sequence" with the word "order."

A new student expectation was added to §112.5(b)(11)(B) that reads, "explain why the conservation of natural resources is important."

Section 112.6(a)(1)(A) was amended by inserting the word "correlative" after the word "descriptive," replacing the word "include" with the word "includes," inserting the phrase "have no hypothesis that tentatively answers the research question and" before the phrase "involve collecting data," inserting the phrase "correlative and" before the phrase "comparative investigations," inserting the phrase "have a hypothesis that predicts a relationship and" before the phrase "involve collecting data," replacing the word "with" with the word "measuring," inserting the phrase "relevant to the hypothesis" before the phrase "that are manipulated."

ulated," replacing the phrase "to compare" with the phrase "and comparing," inserting the phrase "hypothesis can be tested by comparing a treatment with" before the word "control," and striking the phrase "is identified."

Section 112.6(a)(3) was amended by inserting the phrase "observations, inferences" before the word "hypotheses."

New §112.6(a)(3)(A) was added to read, "observations are active acquisition of either qualitative or quantitative information from a primary source through the senses."

New §112.6(a)(3)(B) was added to read, "inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence."

Changes were made to re-letter proposed §112.6(a)(3)(A) and §112.6(a)(3)(B) to §112.6(a)(3)(C) and §112.6(a)(3)(D), respectively.

The student expectation in §112.6(b)(6)(C) was amended by replacing the word "and" with the word "or."

The student expectation in §112.6(b)(11)(B) was amended by inserting the phrase "the critical role of energy resources to modern life" after the word "explain."

A new student expectation was added in §112.6(b)(11)(C) that reads, "determine the physical properties of rocks that allows Earth's natural resources to be stored there."

Section 112.7(a)(1)(A) was amended by inserting the word "correlative" after the word "descriptive," replacing the word "include" with the word "includes," inserting the phrase "have no hypothesis that tentatively answers the research question and" before the phrase "involve collecting data," inserting the phrase "correlative and" before the phrase "comparative investigations," inserting the phrase "have a hypothesis that predicts a relationship and" before the phrase "involve collecting data," replacing the word "with" with the word "measuring," inserting the phrase "relevant to the hypothesis" before the phrase "that are manipulated," replacing the phrase "to compare" with the phrase "and comparing," inserting the phrase "hypothesis can be tested by comparing a treatment with" before the word "control," and striking the phrase "is identified."

Section 112.7(a)(3) was amended by inserting the phrase "observations, inferences" before the word "hypotheses."

New §112.7(a)(3)(A) was added to read, "observations are active acquisition of either qualitative or quantitative information from a primary source through the senses."

New §112.7(a)(3)(B) was added to read, "inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence."

Changes were made to re-letter proposed §112.7(a)(3)(A) and §112.7(a)(3)(B) to §112.7(a)(3)(C) and §112.7(a)(3)(D), respectively.

The student expectation in §112.7(b)(6)(B) was amended by replacing the word "and" with the word "or."

The student expectation in §112.7(b)(8)(C) was amended by striking the word "and" after the word "reflected" and by inserting the phrase "or absorbed" after the word "refracted."

#### *Chapter 112, Subchapter B*

Section 112.26(a)(1)(A) was amended by inserting the word "correlative" after the word "descriptive," replacing the word "include"

with the word "includes," inserting the phrase "have no hypothesis that tentatively answers the research question and" before the phrase "involve collecting data," inserting the phrase "correlative and" before the phrase "comparative investigations," inserting the phrase "have a hypothesis that predicts a relationship and" before the phrase "involve collecting data," replacing the word "with" with the word "measuring," inserting the phrase "relevant to the hypothesis" before the phrase "that are manipulated," replacing the phrase "to compare" with the phrase "and comparing," inserting the phrase "hypothesis can be tested by comparing a treatment with" before the word "control," and striking the phrase "is identified."

Section 112.26(a)(3) was amended by inserting the phrase "observations, inferences" before the word "hypotheses."

New §112.26(a)(3)(A) was added to read, "observations are active acquisition of either qualitative or quantitative information from a primary source through the senses."

New §112.26(a)(3)(B) was added to read, "inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence."

Changes were made to re-letter proposed §112.26(a)(3)(A) and §112.26(a)(3)(B) to §112.26(a)(3)(C) and §112.26(a)(3)(D), respectively.

The student expectation in §112.26(b)(1)(D) was amended by striking the word "and" and inserting the phrase "and lab notebooks or journals" after the phrase "hand lenses."

The student expectation in §112.26(b)(6)(C) was amended by replacing the word "classify" with the "word" identify, striking the word "and," replacing the word "using" with the phrase "and rare Earth elements based on," and inserting the phrase "and importance to modern life" after the word "properties."

The student expectation in §112.26(b)(11) was amended by striking the phrase "research and describe why resource management is important and how conservation, increased efficiency, and technology can help manage air, water, soil, and energy resources."

A new student expectation was added in §112.26(b)(11)(A) that reads, "research and describe why resource management is important in reducing global energy, poverty, malnutrition, and air and water pollution; and."

A new student expectation was added in §112.26(b)(11)(B) that reads, "explain how conservation, increased efficiency, and technology can help manage air, water, soil, and energy resources."

Section 112.27(a)(1)(A) was amended by inserting the word "correlative" after the word "descriptive," replacing the word "include" with the word "includes," inserting the phrase "have no hypothesis that tentatively answers the research question and" before the phrase "involve collecting data," inserting the phrase "correlative and" before the phrase "comparative investigations," inserting the phrase "have a hypothesis that predicts a relationship and" before the phrase "involve collecting data," replacing the word "with" with the word "measuring," inserting the phrase "relevant to the hypothesis" before the phrase "that are manipulated," replacing the phrase "to compare" with the phrase "and comparing," inserting the phrase "hypothesis can be tested by comparing a treatment with" before the word "control," and striking the phrase "is identified."

Section 112.27(a)(3) was amended by inserting the phrase "observations, inferences" before the word "hypotheses."

New §112.27(a)(3)(A) was added to read, "observations are active acquisition of either qualitative or quantitative information from a primary source through the senses."

New §112.27(a)(3)(B) was added to read, "inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence."

Changes were made to re-letter proposed §112.27(a)(3)(A) and §112.27(a)(3)(B) to §112.27(a)(3)(C) and §112.27(a)(3)(D), respectively.

The student expectation in §112.27(b)(1)(D) was amended by striking the word "and" and inserting the phrase "and lab notebooks or journals" after the phrase "hand lenses."

A new student expectation was added in §112.27(b)(6)(B) that reads, "use the periodic table to identify the atoms and the number of each kind within a chemical formula."

Section 112.28(a)(1)(A) was amended by inserting the word "correlative" after the word "descriptive," replacing the word "include" with the word "includes," inserting the phrase "have no hypothesis that tentatively answers the research question and" before the phrase "involve collecting data," inserting the phrase "correlative and" before the phrase "comparative investigations," inserting the phrase "have a hypothesis that predicts a relationship and" before the phrase "involve collecting data," replacing the word "with" with the word "measuring," inserting the phrase "relevant to the hypothesis" before the phrase "that are manipulated," replacing the phrase "to compare" with the phrase "and comparing," inserting the phrase "hypothesis can be tested by comparing a treatment with" before the word "control," and striking the phrase "is identified."

Section 112.28(a)(3) was amended by inserting the phrase "observations, inferences" before the word "hypotheses."

New §112.28(a)(3)(A) was added to read, "observations are active acquisition of either qualitative or quantitative information from a primary source through the senses."

New §112.28(a)(3)(B) was added to read, "inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence."

Changes were made to re-letter proposed §112.28(a)(3)(A) and §112.28(a)(3)(B) to §112.28(a)(3)(C) and §112.28(a)(3)(D), respectively.

The student expectation in §112.28(b)(1)(D) was amended by striking the word "and" and inserting the phrase "and lab notebooks or journals" after the phrase "hand lenses."

A new student expectation was added in §112.28(b)(6)(B) that reads, "use the periodic table to identify the atoms involved in chemical reactions."

The student expectation in §112.28(b)(6)(D) was amended by striking the phrase "sour or bitter taste, and how these substances feel to the touch."

The student expectation in §112.28(b)(11)(B) was amended by replacing the phrase "such as" with the word "including."

The student expectation in proposed §112.28(b)(11)(C), which read, "describe efforts to mitigate climate change, including a reduction in greenhouse gas emissions," was replaced with new §112.28(b)(11)(C), which reads, "describe the carbon cycle."

The SBOE approved the proposed new sections for first reading and filing authorization at its September 3, 2021 meeting and

for second reading and final adoption at its November 19, 2021 meeting.

In accordance with TEC, §7.102(f), the SBOE approved the new sections for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2022-2023 school year. The earlier effective date will enable districts to begin preparing for implementation of the revised elementary and middle school science TEKS. The effective date is 20 days after filing as adopted with the *Texas Register*.

**SUMMARY OF COMMENTS AND RESPONSES:** The public comment period on the proposal began October 8, 2021, and ended at 5:00 p.m. on November 12, 2021. The SBOE also provided an opportunity for registered oral and written comments at its November 2021 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comments received and corresponding responses.

**Comment.** One teacher asked if it is intentional that the only difference between proposed §112.3(b)(10)(B) in Grade 1 and §112.4(b)(10)(A) in Grade 2 is the addition of wind erosion. The commenter suggested that it would provide more support if students learned about changes to the Earth by separating the content for the grade levels either by process or by force.

**Response.** The SBOE disagrees and has determined that the division of content regarding changes to the Earth in §112.3(b)(10)(B) in Grade 1 and §112.4(b)(10)(A) in Grade 2 is appropriate as proposed.

**Comment.** One teacher questioned the intention of proposed §112.4(b)(9)(B) and asked whether students are expected to learn about the characteristics of objects they can see through a telescope or if the focus of the student expectation is on using a telescope. The commenter also asked whether schools would be required to purchase telescopes in order for students to have the opportunity to actually observe through one.

**Response.** The SBOE agrees that the language of proposed §112.4(b)(9)(B) could use clarification. The SBOE took action to amend §112.4(b)(9)(B) at adoption to read, "observe objects in the sky using tools such as a telescope and compare how objects in the sky are more visible and can appear different with a tool than with an unaided eye."

**Comment.** One community member stated that it is unclear whether §112.4(b)(9)(B) requires students to actually use a telescope since telescopes are not listed in the equipment and tools for the grade level. The commenter recommended that the student expectation be clarified to prevent this confusion and added that Grade 2 is too early for a student to easily use a telescope.

**Response.** The SBOE agrees that the language of §112.4(b)(9)(B) could use clarification and took action to amend the subparagraph to read, "observe objects in the sky using tools such as a telescope and compare how objects in the sky are more visible and can appear different with a tool than with an unaided eye."

**Comment.** One community member stated that §112.5(b)(9)(B) is unclear as written. The commenter recommended replacing the word "sequence" with "distance" because there can be many types of sequences.

**Response.** The SBOE agrees and took action to amend §112.5(b)(9)(B) to read, "identify the order of the planets in Earth's solar system in relation to the Sun."

Comment. One teacher stated that the language in proposed §112.5(b)(12)(D) in Grade 3 and §112.6(b)(12)(C) in Grade 4 are very similar. The commenter recommended deleting the term "environment" from §112.6(b)(12)(C) to further differentiate the student expectations.

Response. The SBOE disagrees and has determined that the language in §112.5(b)(12)(D) in Grade 3 and §112.6(b)(12)(C) in Grade 4 is appropriate as proposed.

Comment. One teacher stated that §112.6(b)(9)(B), related to the patterns of the Moon, stands alone in the proposed new TEKS because the student expectation on the lunar cycle in the current Grade 8 TEKS is no longer included. The commenter questioned the expected depth of knowledge about moon patterns and whether proposed §112.6(b)(9)(B) should be eliminated.

Response. The SBOE disagrees that §112.6(b)(9)(B) should be eliminated and has determined that the language in §112.6(b)(9)(B) in Grade 4 and §112.26(b)(9)(B) in Grade 6 is appropriate as proposed.

Comment. One teacher asked how Grade 5 students can design solutions in §112.7(b)(11)(A) about environmental impacts that they have yet to identify.

Response. The SBOE disagrees and has determined that the language in §112.7(b)(11)(A) in Grade 5 is appropriate as proposed.

Comment. One teacher expressed concern about bringing balanced and unbalanced forces down to Grade 5 when students were already struggling with unbalanced forces in the current TEKS for Grade 6.

Response. The SBOE disagrees and provides the following clarification. The introduction of equal and unequal forces in §112.7(b)(7)(A) is expected to better prepare students to understand more sophisticated concepts in middle school.

Comment. One community member recommended reformatting proposed §112.7(b)(11) and adding the letter "A" to separate the student expectation from the knowledge and skills statement.

Response. The SBOE provides the following clarification. The required format for a single student expectation is to merge it with the preceding paragraph that includes the knowledge and skills statement.

Comment. One teacher expressed concern that the content proposed to be added to Grade 5 in proposed §112.7(b)(5)(A)-(G), (6)(D), and (8)(A) would strain teachers and students.

Response. The SBOE disagrees that proposed revisions in §112.7(b)(5)(A)-(G), (6)(D), and (8)(A) would strain teachers or students and provides the following clarification. The revisions to the Kindergarten-Grade 8 science TEKS are intended to improve student understanding by improving vertical alignment and better integrating science concepts.

Comment. One teacher asked whether the student expectation related to fossils in the current TEKS has been deleted from Grade 5 in the proposed new TEKS.

Response. The SBOE provides the following clarification. Student expectations addressing fossils are now found in Grade 3, §112.5(b)(12)(D), and Grade 4, §112.6(b)(12)(C).

Comment. One administrator recommended reformatting proposed §112.26(b)(11) and adding the letter "A" to separate the student expectation from the knowledge and skills statement.

Response. The SBOE provides the following clarification. The required format for a single student expectation is to merge it with the preceding paragraph that includes the knowledge and skills statement.

Comment. A secondary science coordinator expressed support for the addition of §112.26(b)(6)(A) because identification of the forces acting on an object is beneficial to student understanding of all the potential forces acting on an object. The commenter added that this feedback was collected from science teachers and science instructional coaches representing 17 junior high campuses in the commenter's school district.

Response. The SBOE agrees that §112.26(b)(6)(A) is appropriately included in the TEKS for Grade 6.

Comment. One administrator recommended that proposed §112.26(b)(6)(B) be reorganized as subparagraph (A) because it is more aligned with the language in subparagraph (A) related to pure substances, elements, compounds, mixtures, and solutions in Grades 7 and 8.

Response. The SBOE disagrees that the suggested change is necessary and has determined that §112.26(b)(6)(A) and (B) are appropriately sequenced.

Comment. One teacher expressed confusion with the placement of §112.26(b)(7)(C) in Grade 6 related to Newton's Third Law of Motion. The commenter stated that, since waves are not taught until §112.28(b)(8)(B) in Grade 8, this student expectation makes no sense in Grade 6. The commenter recommended that the student expectation be moved to §112.28(b)(7)(C) in Grade 8.

Response. The SBOE disagrees that the suggested change is necessary and has determined that §112.26(b)(7)(C) is appropriately included in Grade 6.

Comment. A secondary science coordinator expressed support for the removal of density calculation from Grade 6 because the manipulation of three variable equations was not developmentally appropriate for that age group. The commenter added that this feedback was collected from science teachers and science instructional coaches representing 17 junior high campuses in the commenter's school district.

Response. The SBOE agrees that density calculation is not developmentally appropriate for Grade 6 and has been appropriately excluded from the science TEKS at that grade.

Comment. One administrator recommended that proposed §112.26(b)(6)(C) in Grade 6 be switched with proposed §112.27(b)(6)(A) in Grade 7 because knowledge of elements is necessary to understand the parts of a periodic table.

Response. The SBOE disagrees that the suggested change is necessary and has determined that §112.26(b)(6)(C) is appropriately included in Grade 6 and §112.27(b)(6)(A) is appropriately included in Grade 7.

Comment. A secondary science coordinator recommended that proposed §112.26(b)(10)(B) in Grade 6 should be amended to read, "model and describe the compositional layers of the Earth, including the core, mantle, and crust" because students become confused when mechanical and compositional layers are combined in the TEKS. The commenter added that this feedback was collected from science teachers and science

instructional coaches representing 17 junior high campuses in the commenter's school district.

Response. The SBOE disagrees that the suggested change is necessary and has determined that the layers of Earth are appropriately included in §112.26(b)(10)(B) in Grade 6.

Comment. One administrator recommended that proposed §112.27(b)(13)(D) in Grade 7 be moved to Grade 8 because traits provide a scaffold for sexual and asexual reproduction, which is already found in the content for Grade 7. The commenter added that natural selection and artificial selection are more complex topics than knowing the location of genetic material and are aligned more closely to "how organisms respond to environmental change."

Response. The SBOE disagrees that the suggested change is necessary and has determined that the student expectation in §112.27(b)(13)(D) is appropriately included in Grade 7.

Comment. One administrator recommended switching the phrase "Students understand how traits in populations can change through the process of natural and artificial selection" in the introduction in proposed §112.27(a)(1)(E) for Grade 7 with the phrase "Traits are contained in genetic material that is found on genes within a chromosome from the parent" in proposed §112.28(a)(1)(E) in Grade 8. The commenter stated that traits provide a scaffold for sexual and asexual reproduction, which is already found in the content for Grade 7. The commenter added that natural selection and artificial selection are more complex topics/processes than knowing the location of genetic material and are more aligned with the phrase "how organisms respond to environmental change" in Grade 8.

Response. The SBOE disagrees that the suggested changes are necessary and has determined that §112.27(a)(1)(E) is appropriately included in the introduction in Grade 7 and §112.28(A)(1)(E) is appropriately included in the introduction in Grade 8.

Comment. One administrator expressed concern about moving atomic structure from Grade 8 into high school. The commenter stated that atomic structure is necessary for teaching pH, atoms, and energy, and if the proposed TEKS are kept as-is, they will leave serious learning gaps.

Response. The SBOE disagrees that instruction in atomic structure is essential in Grade 8 and has determined that the instruction is appropriately included in a high school science course.

Comment. One teacher expressed concern that concepts of patterns in the periodic table and reactivity were removed from the proposed new Grade 8 science TEKS. The commenter questioned how to teach elements and compounds without discussing the arrangement of the periodic table.

Response. The SBOE agrees that the inclusion of the arrangement of the periodic table in the science TEKS for Grade 8 is important and took action to add new §112.28(b)(6)(B) to read, "use the periodic table to identify the atoms involved in chemical reactions." In response to this and other comments, the SBOE also took action to add new §112.27(b)(6)(B) in Grade 7 to read, "use the periodic table to identify the atoms and the number of each kind within a chemical formula."

Comment. A secondary science coordinator expressed support for the deletion of atomic structure from Grade 8 because most students are not cognitively ready for the abstract nature of atomic structure. The commenter added that this feedback

was collected from science teachers and science instructional coaches representing 17 junior high campuses in the commenter's school district.

Response. The SBOE agrees that the removal of atomic structure from the Grade 8 science TEKS is appropriate.

Comment. One administrator recommended that proposed §112.28(b)(6)(C) be clarified to specify which type of acids and bases will be "touched" to ensure safe practices.

Response. The SBOE agrees that the types of acids and bases that can safely be touched is not sufficiently clear in §112.28(b)(6)(C). In response to this and other comments, the SBOE took action to eliminate language regarding how substances feel to the touch from §112.28(b)(6)(C) to better ensure safe practices.

Comment. One teacher stated that the content of proposed §112.28(b)(6)(B) in Grade 8 appears random and unconnected to prior learning. The commenter stated that understanding the student expectation relies on the concepts of valence electrons and chemical bonding without them having been taught. The commenter recommended moving the student expectation to Grade 7 as new §112.27(b)(6)(C).

Response. The SBOE disagrees that the specific action is necessary but agrees that concepts related to chemical formulas and reactions could be better addressed in Grades 7 and 8. In response to this and other comments, the SBOE took action to replace §112.28(b)(6)(B) in Grade 8 as proposed with new §112.28(b)(6)(B) to read, "use the periodic table to identify the atoms involved in chemical reactions." Additionally, the SBOE took action to add new §112.27(b)(6)(B) in Grade 7 to read, "use the periodic table to identify the atoms and the number of each kind within a chemical formula."

Comment. One teacher stated that there is not enough content in proposed §112.28(b)(6)(C) in Grade 8 to be its own student expectation. The commenter recommended combining it with either proposed §112.27(b)(6)(C) in Grade 7 or §112.26(b)(6)(C) in Grade 6.

Response. The SBOE disagrees that the suggested change is necessary and has determined that the content in proposed §112.28(b)(6)(C) is sufficient. However, in response to other comments, the SBOE took action to strike from §112.28(b)(6)(D) the phrase, "sour or bitter taste, and how these substances feel to the touch." The SBOE also took action to add new §112.26(b)(6)(B) and renumber §112.26(b)(6)(C) as (b)(6)(D).

Comment. One teacher recommended combining §112.28(b)(7) and (b)(8) into a single knowledge and skills statement.

Response. The SBOE disagrees that the suggested change is necessary and has determined that §112.28(b)(7) and (b)(8) are appropriately included as separate knowledge and skills statements.

Comment. One teacher stated the new progression of the standards for organisms' structure and traits from Kindergarten-Grade 5 provides clarity; however, the standards related to conservation have vague language and leave one wondering how to assess for mastery.

Response. The SBOE agrees that the structure and traits of organisms are appropriately addressed in the Kindergarten-Grade 8 science TEKS. However, the SBOE disagrees that standards related to conservation are vague and has determined that these standards are also sufficiently clear and assessable.

Comment. One community member recommended including *Wardforce* in proposed §§112.2-112.7 and §§112.26-112.28. The commenter stated that with this knowledge, students will have a better understanding of the relationship between magnetic fields and electric currents and the universe.

Response. The SBOE disagrees that the suggested change is necessary and has determined that the Kindergarten-Grade 8 science TEKS sufficiently address magnetic fields and electric currents and the universe.

Comment. One administrator recommended that the term "scientific method" not be used in the proposed new Kindergarten-Grade 8 science TEKS. The commenter stated that *The Framework for K-12 Science Education* specifically states, "A focus on practices (in the plural) avoids the mistaken impression that there is one distinctive approach common to all science or a single scientific method."

Response. The SBOE disagrees and has determined that the introduction to the science TEKS mentions scientific methods in an effort to ensure that the TEKS do not convey the idea of a single scientific method.

Comment. One teacher expressed concern that weathering, erosion, and deposition are not mentioned in any of the proposed TEKS for Grades 6-8.

Response. The SBOE disagrees that instruction in weathering, erosion, and deposition is necessary in the science TEKS for Grades 6-8 and has determined that these concepts are more appropriately included in the science TEKS for elementary.

Comment. One teacher expressed concern that at middle school there seems to be very little earth and space content.

Response. The SBOE disagrees and has determined that earth and space content is sufficiently addressed in the middle school science TEKS as adopted.

Comment. A secondary science coordinator expressed support for the inclusion of resource management in proposed §112.26(b)(11)(A) and human actions affecting climate change in proposed §112.28(b)(11)(B) because students need to understand how seven billion people can live in harmony with Earth's resources. The commenter added that this feedback was collected from science teachers and science instructional coaches representing 17 junior high campuses in the commenter's school district.

Response. The SBOE agrees that instruction related to resource management and how human activities can influence climate are appropriately included in the middle school science TEKS. In response to other comments, the SBOE took action to amend §112.26(b)(11)(A) to read, "research and describe why resource management is important in reducing global energy, poverty, malnutrition, and air and water pollution." The SBOE also took action to amend §112.28(b)(11)(B) to read, "use scientific evidence to describe how human activities, including the release of greenhouse gases, deforestation, and urbanization, can influence climate."

Comment. One teacher recommended rewriting the middle school TEKS to be topical by grade level, keeping Grade 7 as life science. The commenter explained that moving back and forth between physical, chemical, and life sciences can confuse students and that grouping each in a single year allows teachers to build on the topic without having to review previous years' learning.

Response. The SBOE disagrees that the suggested change is necessary and has determined that the middle school science TEKS are appropriately balanced and scaffolded between physical, chemical, and life sciences.

Comment. One teacher stated that proposed §§112.26(b)(6)(A), 112.27(b)(6)(A), and 112.28(b)(6)(A) are not in a logical and age-appropriate sequence. The commenter recommended that §112.27(b)(6)(A) in Grade 6 be switched with §112.28(b)(6)(A) in Grade 8 because the currently proposed Grade 8 student expectation is not rigorous enough for Grade 8 and better follows the Grade 6 student expectation, while the Grade 7 student expectation is too abstract for Grade 7.

Response. The SBOE disagrees that the suggested change is necessary and has determined that §§112.26(b)(6)(A), 112.27(b)(6)(A), and 112.28(b)(6)(A) are appropriately sequenced and age appropriate.

Comment. One teacher expressed concern that instruction on cells in Grade 8 occurs after instruction on human body systems in Grade 7. The commenter explained that teaching the cell before human body systems helps students understand how the cells in each system work together to provide the function of that system and that the proposed order adds teaching time because teachers need to present cells before accurately teaching body systems.

Response. The SBOE disagrees and has determined that the instruction on cells and human body systems is appropriately sequenced in Grades 7 and 8.

Comment. A secondary science coordinator expressed concern regarding the inclusion of the term "photosynthesis" in proposed §112.26(b)(8)(B) in Grade 6 and §112.28(b)(6)(D) in Grade 8 without direct instruction on the process. The commenter recommended adding instruction on photosynthesis prior to teaching the flow of energy in trophic levels in §112.27(b)(12)(A) in Grade 7 to read, "investigate how autotrophic organisms transform the Sun's radiant energy into chemical energy through the process of photosynthesis." The commenter added that this feedback was collected from science teachers and science instructional coaches representing 17 junior high campuses in the commenter's school district.

Response. The SBOE disagrees that the suggested change is necessary and has determined that the term "photosynthesis" is appropriately included in §112.26(b)(8)(B) in Grade 6 and §112.28(b)(6)(D) in Grade 8. In response to other comments, the SBOE added new §112.28(b)(6)(B) and renumbered §112.28(b)(6)(D) as (b)(6)(E).

Comment. One administrator recommended adding lab journal/notebook to the list of appropriate tools in §§112.26(b)(1)(D), 112.27(b)(1)(D), and 112.28(b)(1)(D) because journals are included in the list of tools students use in Kindergarten-Grade 5, §112.42, Biology, and §112.44, Integrated Physics and Chemistry.

Response. The SBOE agrees and took action to amend §§112.26(b)(1)(D), 112.27(b)(1)(D), and 112.28(b)(1)(D) in the introduction by adding the phrase "and lab notebooks or journals" to the list of tools students use.

Comment. A secondary science coordinator expressed concern that the engineering design practices are not well represented in the proposed middle school TEKS. The commenter recommended as an example that §112.27(b)(11)(B) in Grade 7 could be rewritten to include the design of a device to remove



plastics from the water. The commenter added that this feedback was collected from science teachers and science instructional coaches representing 17 junior high campuses in the commenter's school district.

Response. The SBOE disagrees that the suggested change is necessary and has determined that the engineering design practices are sufficiently addressed in the scientific and engineering strand in subsection (b)(1)-(4) in the science TEKS for Grades 6-8. In response to other comments, the SBOE made additional revisions to the student expectations in the scientific and engineering practices strand.

Comment. One teacher, one parent, four community members, and three university/college faculty members expressed support for retaining the word "including" in §112.28(b)(11)(A).

Response. The SBOE agrees and took action to adopt §112.28(b)(11)(A) as proposed.

Comment. Two teachers, two parents, and six community members expressed disagreement with the amendment approved at first reading to §112.28(b)(11)(B). Commenters urged reverting to other language proposed at first reading that read, "use scientific evidence to describe how human activities over the past 150 years, including the release of greenhouse gases, deforestation, and urbanization, influence climate."

Response. The SBOE agrees that revisions to the student expectation were warranted and took action to amend §112.28(b)(11)(B) to read, "use scientific evidence to describe how human activities, including the release of greenhouse gases, deforestation, and urbanization, can influence climate."

Comment. One teacher, two parents, and six community members stated that §112.28(b)(11)(C) should be retained as proposed.

Response. The SBOE disagrees that §112.28(b)(11)(C) must be retained. In response to other comments, the SBOE took action to amend §112.28(b)(11)(C) to read, "describe the carbon cycle."

Comment. Three teachers, one administrator, four parents, one community member, and one person from outside of Texas stated that the proposed science standards must include standards that make clear that climate change is a real and serious problem; human activity, especially the release of greenhouse gases, is the cause of climate change; and there are practical ways to address the issue responsibly.

Response. The SBOE disagrees that additional content is necessary and has determined that the new Kindergarten-Grade 8 science TEKS appropriately address how natural events and human activities impact the global climate, including the role of greenhouse gases. In response to this and other comments, the SBOE took action to amend §112.28(b)(11)(B) to read, "use scientific evidence to describe how human activities, including the release of greenhouse gases, deforestation, and urbanization, can influence climate."

Comment. One university/college faculty member requested that fossil fuel industries not be allowed to strip essential information on climate change out of the proposed standards.

Response. The SBOE provides the following clarifications. The SBOE identifies the essential knowledge and skills of each subject of the required curriculum.

Comment. One university/college faculty member stated that students need to learn the truth about climate change, including

the mechanisms (e.g., the greenhouse effect and the gigantic increase in the concentration of atmospheric CO<sub>2</sub> in the last 50 years); Earth's regulation systems (e.g., the ability of forests to absorb carbon, which vanishes when they're cut down); and the likely effects of global warming.

Response. The SBOE agrees that instruction on changes in climate caused by natural events and human activities is appropriate at Grade 8. The SBOE has determined that §112.28(b)(11)(A) and (B) regarding the release of greenhouse gases are appropriately included in Grade 8. In response to this and other comments, the SBOE also took action to add new §112.28(b)(11)(C) to read, "describe the carbon cycle." However, the SBOE disagrees that the term "global warming" is essential and has determined that the term is not necessary to include.

Comment. Two teachers, two parents, and one community member expressed concern that Texas is one of six states earning a failing grade on a national report card examining how public-school science standards address climate change.

Response. The SBOE disagrees and has determined that the proposed new Grade 8 science TEKS sufficiently address changes to climate and weather patterns that can be caused by natural and human events.

Comment. One teacher expressed concern regarding the neglect of climate change in the proposed new science standards because climate change and its effects will be a major life challenge for children in this age group. The commenter stated that there is an overwhelming preponderance of evidence indicating that human activities are to blame for the emergence of major changes in weather patterns, but the proposed new TEKS detach concepts related to weather, climate, resource conservation, and recycling from the broader context of a phenomenon that is already altering people's lives.

Response. The SBOE disagrees and has determined that how human activities can impact climate is sufficiently addressed in the Grade 8 science TEKS.

Comment. One community member recommended that students be taught about environmental policy and, in particular, that students should be taught about the global crisis, causes, and consequences of and solutions for habitat destruction.

Response. The SBOE disagrees that it is essential to include environmental policy in Kindergarten-Grade 8 science and has determined that the other issues related to the environment are sufficiently addressed in the proposed new Kindergarten-Grade 8 science TEKS. In response to other comments, the SBOE made additional revisions to the student expectations.

Comment. Two community members and a parent recommended that the science TEKS be based on current and substantiated fact so students can make intelligent decisions for the best future.

Response. The SBOE agrees and has determined that the Kindergarten-Grade 8 science TEKS prepare students for the future and are up-to-date and factual.

Comment. A secondary science coordinator expressed support for the reduction in the overall number of TEKS to provide deeper instruction on fewer topics. The commenter added that this feedback was collected from science teachers and science instructional coaches representing 17 junior high campuses in the commenter's school district.

Response. The SBOE agrees that the scope of proposed new Kindergarten-Grade 8 science TEKS is appropriate and took action to adopt §§112.-112.7 and 112.26-112.28 as amended.

Comment. One community member stated that science classrooms in Texas should be places where science is taught, not politics, economics, or religion.

Response. The SBOE agrees and has determined that the TEKS as adopted focus on science concepts and not politics, economics, or religion.

Comment. Three teachers, two administrators, and one university/college faculty member recommended including correlative investigations as a type of scientific investigation in the proposed new Kindergarten-Grade 8 science TEKS. The commenter explained that the addition would allow students to truly understand how scientists and engineers think.

Response. The SBOE agrees and took action to add correlative investigations to the list of types of investigations in subsection (a)(1)(A) in §§112.2-112.7 and 112.26-112.28.

Comment. One administrator stated that in the proposed new TEKS elementary students observe and compare from Kindergarten-Grade 5; however, language in the introductions indicates that students should not participate in comparative investigations until middle school. The commenter asked where the definition for comparative investigations in the proposed new TEKS came from because it is confusing for teachers and does not align with *The Framework for K-12 Science Education*.

Response. The SBOE disagrees and has determined that the requirement for students to use comparative investigations is appropriately introduced in the middle school science TEKS. In response to other comments, the SBOE determined that the definition for comparative experiments could be further clarified and SBOE took action to amend subsection (a)(1)(A) in §§112.2-112.7 and 112.26-112.28 to read, "correlative and comparative investigations, which have a hypothesis that predicts a relationship and involve collecting data, measuring variables relevant to the hypothesis that are manipulated, and comparing results."

Comment. One teacher recommended removing experimental investigations from §112.7(a)(1)(A) and (b)(1)(B) in Grade 5 because this type of investigation is not developmentally appropriate for students at that grade level.

Response. The SBOE disagrees and has determined that experimental investigations are appropriately included in the Grade 5 science TEKS.

Comment. Seven teachers, six administrators, six community members, and three university/college faculty members recommended retaining the recurring themes and concepts strand in the proposed new Kindergarten-Grade 8 science TEKS.

Response. The SBOE agrees and took action to adopt the recurring themes and concepts strand in the Kindergarten-Grade 8 science TEKS as proposed.

Comment. Four teachers, four administrators, four community members, and two university/college faculty members recommended retaining the scientific and engineering practices in the proposed new Kindergarten-Grade 8 science TEKS.

Response. The SBOE agrees and took action to adopt student expectations on scientific and engineering practices in the Kindergarten-Grade 8 science TEKS. In response to other comments, the SBOE made additional revisions to student expecta-

tions on scientific and engineering practices in the proposed new Kindergarten-Grade 8 science TEKS.

Comment. One teacher and one administrator recommended that the SBOE amend the scientific and engineering practices to better align them.

Response. The SBOE disagrees and has determined that the scientific and engineering practices in the Kindergarten-Grade 8 science TEKS are appropriately aligned. In response to other comments, the SBOE made additional revisions to the student expectations in the scientific and engineering practices strand.

Comment. One administrator expressed concern about vertical alignment for the proposed Kindergarten-Grade 8 science TEKS. The commenter recommended that each grade focus on a limited number of related topics instead.

Response. The SBOE disagrees and has determined that the topics included in the Kindergarten-Grade 8 science TEKS and their vertical alignment are appropriate.

## SUBCHAPTER A. ELEMENTARY

### 19 TAC §§112.1 - 112.7

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to by rule identify the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; and TEC, §28.002(j), which allows the SBOE to require laboratory instruction in secondary science courses and require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §7.102(c)(4) and §28.002(a), (c), and (j).

§112.2. *Science, Kindergarten, Adopted 2021.*

#### (a) Introduction.

(1) In Kindergarten through Grade 5 Science, content is organized into recurring strands. The concepts within each grade level build on prior knowledge, prepare students for the next grade level, and establish a foundation in science. In Kindergarten, the following concepts will be addressed in each strand.

(A) Scientific and engineering practices. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, correlative, comparative, or experimental. The method chosen should be appropriate to the grade level and question being asked. Student learning for different types of investigations includes descriptive investigations, which have no hypothesis that tentatively answers the research question and involve collecting data and recording observations without making comparisons; correlative and comparative investigations, which have a hypothesis that predicts a relationship and involve collecting data, measuring variables relevant to the hypothesis that are manipulated, and comparing results; and experimental investigations, which involve processes similar to comparative investigations but in which a hypothesis can be tested by comparing a treatment with a control.

(i) Scientific practices. Students ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(ii) Engineering practices. Students identify problems and design solutions using appropriate tools and models.

(iii) To support instruction in the science content standards, it is recommended that districts integrate scientific and engineering practices through classroom and outdoor investigations for at least 80% of instructional time.

(B) Matter and its properties. Students build their knowledge of the natural world using their senses. The students focus on observable properties and patterns of objects, including shape, color, texture, and material.

(C) Force, motion, and energy. Students explore the location, motion, and position of objects and investigate the importance of light energy as it relates to the students' everyday lives. Students focus on demonstrating light energy sources and their effect on objects.

(D) Earth and space. Patterns are recognizable in the natural world and among objects in the sky. Students understand that weather, seasons of the year, and day and night are repeated patterns. Materials found on Earth can be used and classified.

(E) Organisms and environments. All living organisms satisfy basic needs through interactions with nonliving things and living organisms, and they have structures and functions that help them survive within their environments. Students investigate the life cycle of plants and identify likenesses between parents and young.

(2) Nature of science. Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(3) Scientific observations, inferences, hypotheses, and theories. Students are expected to know that:

(A) observations are active acquisition of either qualitative or quantitative information from a primary source through the senses;

(B) inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence;

(C) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(D) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(4) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students distinguish between scientific decision-making practices and ethical and social decisions that involve science.

(5) Recurring themes and concepts. Science consists of recurring themes and making connections between overarching concepts. Recurring themes include structure and function, systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. Models have limitations but provide a tool for understanding the ideas presented. Students analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(6) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Scientific and engineering practices. The student asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) use scientific practices to plan and conduct simple descriptive investigations and use engineering practices to design solutions to problems;

(C) identify, describe, and demonstrate safe practices during classroom and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use tools, including hand lenses, goggles, trays, cups, bowls, sieves or sifters, notebooks, terrariums, aquariums, samples (rocks, sand, soil, loam, gravel, clay, seeds, and plants), windsock, demonstration thermometer, rain gauge, straws, ribbons, non-standard measuring items, blocks or cubes, tuning fork, various flashlights, small paper cups, items that roll, noise makers, hot plate, opaque objects, transparent objects, foil pie pans, foil muffin cups, wax paper, Sun-Moon-Earth model, and plant life cycle model to observe, measure, test, and compare;

(E) collect observations and measurements as evidence;

(F) record and organize data using pictures, numbers, words, symbols, and simple graphs; and

(G) develop and use models to represent phenomena, objects, and processes or design a prototype for a solution to a problem.

(2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify basic advantages and limitations of models such as their size, properties, and materials;

(B) analyze data by identifying significant features and patterns;

(C) use mathematical concepts to compare two objects with common attributes; and

(D) evaluate a design or object using criteria to determine if it works as intended.

(3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) listen actively to others' explanations to identify important evidence and engage respectfully in scientific discussion.

(4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) explain how science or an innovation can help others; and

(B) identify scientists and engineers such as Isaac Newton, Mae Jemison, and Ynes Mexia and explore what different scientists and engineers do.

(5) Recurring themes and concepts. The student uses recurring themes and concepts to make connections across disciplines. The student is expected to:

(A) identify and use patterns to describe phenomena or design solutions;

(B) investigate and predict cause-and-effect relationships in science;

(C) describe the properties of objects in terms of relative size (scale) and relative quantity;

(D) examine the parts of a whole to define or model a system;

(E) identify forms of energy and properties of matter;

(F) describe the relationship between the structure and function of objects, organisms, and systems; and

(G) describe how factors or conditions can cause objects, organisms, and systems to either change or stay the same.

(6) Matter and its properties. The student knows that objects have physical properties that determine how they are described and classified. The student is expected to identify and record observable physical properties of objects, including shape, color, texture, and material, and generate ways to classify objects.

(7) Force, motion, and energy. The student knows that forces cause changes in motion and position in everyday life. The student is expected to describe and predict how a magnet interacts with various materials and how magnets can be used to push or pull.

(8) Force, motion, and energy. The student knows that energy is everywhere and can be observed in everyday life. The student is expected to:

(A) communicate the idea that objects can only be seen when a light source is present and compare the effects of different amounts of light on the appearance of objects; and

(B) demonstrate and explain that light travels through some objects and is blocked by other objects, creating shadows.

(9) Earth and space. The student knows that there are recognizable patterns in the natural world and among objects in the sky. The student is expected to:

(A) identify, describe, and predict the patterns of day and night and their observable characteristics; and

(B) observe, describe, and illustrate the Sun, Moon, stars, and objects in the sky such as clouds.

(10) Earth and space. The student knows that the natural world includes earth materials and systems that can be observed. The student is expected to:

(A) describe and classify rocks by the observable properties of size, shape, color, and texture;

(B) observe and describe weather changes from day to day and over seasons; and

(C) identify evidence that supports the idea that air is all around us and demonstrate that wind is moving air using items such as a windsock, pinwheel, or ribbon.

(11) Earth and space. The student knows that earth materials are important to everyday life. The student is expected to observe and generate examples of practical uses for rocks, soil, and water.

(12) Organisms and environments. The student knows that plants and animals depend on the environment to meet their basic needs for survival. The student is expected to:

(A) observe and identify the dependence of plants on air, sunlight, water, nutrients in the soil, and space to grow; and

(B) observe and identify the dependence of animals on air, water, food, space, and shelter.

(13) Organisms and environments. The student knows that organisms resemble their parents and have structures and undergo processes that help them interact and survive within their environments. The student is expected to:

(A) identify the structures of plants, including roots, stems, leaves, flowers, and fruits;

(B) identify the different structures that animals have that allow them to interact with their environment such as seeing, hearing, moving, and grasping objects;

(C) identify and record the changes from seed, seedling, plant, flower, and fruit in a simple plant life cycle; and

(D) identify ways that young plants resemble the parent plant.

§112.3. *Science, Grade 1, Adopted 2021.*

(a) Introduction.

(1) In Kindergarten through Grade 5 Science, content is organized into recurring strands. The concepts within each grade level build on prior knowledge, prepare students for the next grade level, and establish a foundation in science. In Grade 1, the following concepts will be addressed in each strand.

(A) Scientific and engineering practices. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, correlative, comparative, or experimental. The method chosen should be appropriate to the grade level and question being asked. Student learning for different types of investigations includes descriptive investigations, which have no hypothesis that tentatively answers the research question and involve collecting data and recording observations without making comparisons; correlative and comparative investigations, which have a hypothesis that predicts a relationship and involve collecting data, measuring variables relevant to the hypothesis that are manipulated, and comparing results; and exper-

imental investigations, which involve processes similar to comparative investigations but in which a hypothesis can be tested by comparing a treatment with a control.

(i) Scientific practices. Students ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(ii) Engineering practices. Students identify problems and design solutions using appropriate tools and models.

(iii) To support instruction in the science content standards, it is recommended that districts integrate scientific and engineering practices through classroom and outdoor investigations for at least 80% of instructional time.

(B) Matter and its properties. Students build their knowledge of the natural world using their senses. Students focus on observable properties and patterns of objects, including larger and smaller, heavier and lighter, shape, color, and texture. The students understand changes in materials caused by heating and cooling.

(C) Force, motion, and energy. Students know that force and motion are related and that energy exists in many forms as a part of everyday life. Magnetism interacts with various materials and can be used as a push and pull. The students investigate the importance of heat and focus on changes caused by heating and cooling.

(D) Earth and space. Patterns, cycles, and systems are recognizable in the natural world and among objects in the sky. Students make informed choices by understanding weather and seasonal patterns. Students understand that natural resources on Earth, including rocks, soil, and water, are used by humans and can be conserved.

(E) Organisms and environments. All living organisms interact with living and nonliving things within their environments and use structures to meet their basic needs. Students know that organisms are interdependent and part of a food chain. The students investigate the life cycle of animals and identify likenesses between parents and young.

(2) Nature of science. Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(3) Scientific observations, inferences, hypotheses, and theories. Students are expected to know that:

(A) observations are active acquisition of either qualitative or quantitative information from a primary source through the senses;

(B) inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence;

(C) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(D) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(4) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students distinguish between scientific decision-making practices and ethical and social decisions that involve science.

(5) Recurring themes and concepts. Science consists of recurring themes and making connections between overarching concepts. Recurring themes include structure and function, systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. Models have limitations but provide a tool for understanding the ideas presented. Students analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(6) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Scientific and engineering practices. The student asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) use scientific practices to plan and conduct simple descriptive investigations and use engineering practices to design solutions to problems;

(C) identify, describe, and demonstrate safe practices during classroom and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use tools, including hand lenses, goggles, heat-resistant gloves, trays, cups, bowls, beakers, sieves/sifters, tweezers, primary balance, notebooks, terrariums, aquariums, stream tables, soil samples (loam, sand, gravel, rocks, and clay), seeds, plants, windsock, pinwheel, student thermometer, demonstration thermometer, rain gauge, straws, ribbons, non-standard measuring items, flashlights, sandpaper, wax paper, items that are magnetic, non-magnetic items, a variety of magnets, hot plate, aluminum foil, Sun-Moon-Earth model, and plant and animal life cycle models to observe, measure, test, and compare;

(E) collect observations and measurements as evidence;

(F) record and organize data using pictures, numbers, words, symbols, and simple graphs; and

(G) develop and use models to represent phenomena, objects, and processes or design a prototype for a solution to a problem.

(2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify basic advantages and limitations of models such as their size, properties, and materials;

(B) analyze data by identifying significant features and patterns;

(C) use mathematical concepts to compare two objects with common attributes; and

(D) evaluate a design or object using criteria to determine if it works as intended.

(3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) listen actively to others' explanations to identify important evidence and engage respectfully in scientific discussion.

(4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation for society. The student is expected to:

(A) explain how science or an innovation can help others; and

(B) identify scientists and engineers such as Katherine Johnson, Sally Ride, and Ernest Just and explore what different scientists and engineers do.

(5) Recurring themes and concepts. The student uses recurring themes and concepts to make connections across disciplines. The student is expected to:

(A) identify and use patterns to describe phenomena or design solutions;

(B) investigate and predict cause-and-effect relationships in science;

(C) describe the properties of objects in terms of relative size (scale) and relative quantity;

(D) examine the parts of a whole to define or model a system;

(E) identify forms of energy and properties of matter;

(F) describe the relationship between structure and function of objects, organisms, and systems; and

(G) describe how factors or conditions can cause objects, organisms, and systems to either change or stay the same.

(6) Matter and its properties. The student knows that objects have physical properties that determine how they are described and classified. The student is expected to:

(A) classify objects by observable physical properties, including, shape, color, and texture, and attributes such as larger and smaller and heavier and lighter;

(B) explain and predict changes in materials caused by heating and cooling; and

(C) demonstrate and explain that a whole object is a system made of organized parts such as a toy that can be taken apart and put back together.

(7) Force, motion, and energy. The student knows that forces cause changes in motion and position in everyday life. The student is expected to:

(A) explain how pushes and pulls can start, stop, or change the speed or direction of an object's motion; and

(B) plan and conduct a descriptive investigation that predicts how pushes and pulls can start, stop, or change the speed or direction of an object's motion.

(8) Force, motion, and energy. The student knows that energy is everywhere and can be observed in everyday life. The student is expected to:

(A) investigate and describe applications of heat in everyday life such as cooking food or using a clothes dryer; and

(B) describe how some changes caused by heat may be reversed such as melting butter and other changes cannot be reversed such as cooking an egg or baking a cake.

(9) Earth and space. The student knows that the natural world has recognizable patterns. The student is expected to describe and predict the patterns of seasons of the year such as order of occurrence and changes in nature.

(10) Earth and space. The student knows that the natural world includes earth materials that can be observed in systems and processes. The student is expected to:

(A) investigate and document the properties of particle size, shape, texture, and color and the components of different types of soils such as topsoil, clay, and sand;

(B) investigate and describe how water can move rock and soil particles from one place to another;

(C) compare the properties of puddles, ponds, streams, rivers, lakes, and oceans, including color, clarity, size, shape, and whether it is freshwater or saltwater; and

(D) describe and record observable characteristics of weather, including hot or cold, clear or cloudy, calm or windy, and rainy or icy, and explain the impact of weather on daily choices.

(11) Earth and space. The student knows that earth materials and products made from these materials are important to everyday life. The student is expected to:

(A) identify and describe how plants, animals, and humans use rocks, soil, and water;

(B) explain why water conservation is important; and

(C) describe ways to conserve water such as turning off the faucet when brushing teeth and protect natural sources of water such as keeping trash out of bodies of water.

(12) Organisms and environments. The student knows that the environment is composed of relationships between living organisms and nonliving components. The student is expected to:

(A) classify living and nonliving things based upon whether they have basic needs and produce young;

(B) describe and record examples of interactions and dependence between living and nonliving components in terrariums or aquariums; and

(C) identify and illustrate how living organisms depend on each other through food chains.

(13) Organisms and environments. The student knows that organisms resemble their parents and have structures and undergo processes that help them interact and survive within their environments. The student is expected to:

(A) identify the external structures of different animals and compare how those structures help different animals live, move, and meet basic needs for survival;

(B) record observations of and describe basic life cycles of animals, including a bird, a mammal, and a fish; and

(C) compare ways that young animals resemble their parents.

§112.4. *Science, Grade 2, Adopted 2021.*

(a) Introduction.

(1) In Kindergarten through Grade 5 Science, content is organized into recurring strands. The concepts within each grade level build on prior knowledge, prepare students for the next grade level, and establish a foundation in science. In Grade 2, the following concepts will be addressed in each strand.

(A) Scientific and engineering practices. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, correlative, comparative, or experimental. The method chosen should be appropriate to the grade level and question being asked. Student learning for different types of investigations includes descriptive investigations, which have no hypothesis that tentatively answers the research question and involve collecting data and recording observations without making comparisons; correlative and comparative investigations, which have a hypothesis that predicts a relationship and involve collecting data, measuring variables relevant to the hypothesis that are manipulated, and comparing results; and experimental investigations, which involve processes similar to comparative investigations but in which a hypothesis can be tested by comparing a treatment with a control.

(i) Scientific practices. Students ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(ii) Engineering practices. Students identify problems and design solutions using appropriate tools and models.

(iii) To support instruction in the science content standards, it is recommended that districts integrate scientific and engineering practices through classroom and outdoor investigations for at least 60% of instructional time.

(B) Matter and its properties. Students build upon their knowledge of the natural world using their senses. The students focus on physical properties of matter and determine how observable properties can be changed through various processes. Students use these processes to form new objects.

(C) Force, motion, and energy. Students know that force and motion are related and that energy exists in many forms as a part of everyday life. Magnetism interacts with various materials and can be used as a push and pull. The students investigate sound energy and focus on how sound affects objects.

(D) Earth and space. Students observe objects in the sky, including the Sun and the Moon, and collect and analyze weather data. In addition, students identify natural and manmade resources and how they can be conserved.

(E) Organisms and environments. All living organisms interact with living and nonliving things within their environments and use structures to meet their basic needs. Students understand that organisms are interdependent and part of a food chain. The students investigate the life cycle of animals and identify likenesses between parents and young.

(2) Nature of science. Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(3) Scientific observations, inferences, hypotheses, and theories. Students are expected to know that:

(A) observations are active acquisition of either qualitative or quantitative information from a primary source through the senses;

(B) inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence;

(C) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(D) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(4) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students distinguish between scientific decision-making practices and ethical and social decisions that involve science.

(5) Recurring themes and concepts. Science consists of recurring themes and making connections between overarching concepts. Recurring themes include structure and function, systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. Models have limitations but provide a tool for understanding the ideas presented. Students analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(6) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Scientific and engineering practices. The student asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) use scientific practices to plan and conduct simple descriptive investigations and use engineering practices to design solutions to problems;

(C) identify, describe, and demonstrate safe practices during classroom and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use tools, including hand lenses, goggles, heat-resistant gloves, trays, cups, bowls, beakers, notebooks, stream tables, soil, sand, gravel, flowering plants, student thermometer, demonstration thermometer, rain gauge, flashlights, ramps, balls, spinning tops, drums, tuning forks, sandpaper, wax paper, items that are flexible, non-flexible items, magnets, hot plate, aluminum foil, Sun-Moon-Earth model, and frog and butterfly life cycle models to observe, measure, test, and compare;

(E) collect observations and measurements as evidence;

(F) record and organize data using pictures, numbers, words, symbols, and simple graphs; and

(G) develop and use models to represent phenomena, objects, and processes or design a prototype for a solution to a problem.

(2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify basic advantages and limitations of models such as their size, properties, and materials;

(B) analyze data by identifying significant features and patterns;

(C) use mathematical concepts to compare two objects with common attributes; and

(D) evaluate a design or object using criteria to determine if it works as intended.

(3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) listen actively to others' explanations to identify important evidence and engage respectfully in scientific discussion.

(4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation for society. The student is expected to:

(A) explain how science or an innovation can help others; and

(B) identify scientists and engineers such as Alexander Graham Bell, Marie Daly, Mario Molina, and Jane Goodall and explore what different scientists and engineers do.

(5) Recurring themes and concepts. The student uses recurring themes and concepts to make connections across disciplines. The student is expected to:

(A) identify and use patterns to describe phenomena or design solutions;

(B) investigate and predict cause-and-effect relationships in science;

(C) measure and describe the properties of objects in terms of size and quantity;

(D) examine the parts of a whole to define or model a system;

(E) identify forms of energy and properties of matter;

(F) describe the relationship between structure and function of objects, organisms, and systems; and

(G) describe how factors or conditions can cause objects, organisms, and systems to either change or stay the same.

(6) Matter and its properties. The student knows that matter has physical properties that determine how it is described, classified, and used. The student is expected to:

(A) classify matter by observable physical properties, including texture, flexibility, and relative temperature, and identify whether a material is a solid or liquid;

(B) conduct a descriptive investigation to explain how physical properties can be changed through processes such as cutting, folding, sanding, melting, or freezing; and

(C) demonstrate that small units such as building blocks can be combined or reassembled to form new objects for different purposes and explain the materials chosen based on their physical properties.

(7) Force, motion, and energy. The student knows that forces cause changes in motion and position in everyday life. The student is expected to:

(A) explain how objects push on each other and may change shape when they touch or collide; and

(B) plan and conduct a descriptive investigation to demonstrate how the strength of a push and pull changes an object's motion.

(8) Force, motion, and energy. The student knows that energy is everywhere and can be observed in everyday life. The student is expected to:

(A) demonstrate and explain that sound is made by vibrating matter and that vibrations can be caused by a variety of means, including sound;

(B) explain how different levels of sound are used in everyday life such as a whisper in a classroom or a fire alarm; and

(C) design and build a device using tools and materials that uses sound to solve the problem of communicating over a distance.

(9) Earth and space. The student knows that there are recognizable patterns in the natural world and among objects in the sky. The student is expected to:

(A) describe the Sun as a star that provides light and heat and explain that the Moon reflects the Sun's light; and

(B) observe objects in the sky using tools such as a telescope and compare how objects in the sky are more visible and can appear different with a tool than with an unaided eye.

(10) Earth and space. The student knows that the natural world includes earth materials that can be observed in systems and processes. The student is expected to:

(A) investigate and describe how wind and water move soil and rock particles across the Earth's surface such as wind blowing sand into dunes on a beach or a river carrying rocks as it flows;

(B) measure, record, and graph weather information, including temperature and precipitation; and



(C) investigate different types of severe weather events such as a hurricane, tornado, or flood and explain that some events are more likely than others in a given region.

(11) Earth and space. The student knows that earth materials and products made from these materials are important to everyday life. The student is expected to:

(A) distinguish between natural and manmade resources; and

(B) describe how human impact can be limited by making choices to conserve and properly dispose of materials such as reducing use of, reusing, or recycling paper, plastic, and metal.

(12) Organisms and environments. The student knows that living organisms have basic needs that must be met through interactions within their environment. The student is expected to:

(A) describe how the physical characteristics of environments, including the amount of rainfall, support plants and animals within an ecosystem;

(B) create and describe food chains identifying producers and consumers to demonstrate how animals depend on other living things; and

(C) explain and demonstrate how some plants depend on other living things, wind, or water for pollination and to move their seeds around.

(13) Organisms and environments. The student knows that organisms have structures and undergo processes that help them interact and survive within their environments. The student is expected to:

(A) identify the roots, stems, leaves, flowers, fruits, and seeds of plants and compare how those structures help different plants meet their basic needs for survival;

(B) record and compare how the structures and behaviors of animals help them find and take in food, water, and air;

(C) record and compare how being part of a group helps animals obtain food, defend themselves, and cope with changes; and

(D) investigate and describe some of the unique life cycles of animals where young animals do not resemble their parents, including butterflies and frogs.

§112.5. *Science, Grade 3, Adopted 2021.*

(a) Introduction.

(1) In Kindergarten through Grade 5 Science, content is organized into recurring strands. The concepts within each grade level build on prior knowledge, prepare students for the next grade level, and establish a foundation for high school courses. In Grade 3, the following concepts will be addressed in each strand.

(A) Scientific and engineering practices. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, correlative, comparative, or experimental. The method chosen should be appropriate to the grade level and question being asked. Student learning for different types of investigations includes descriptive investigations, which have no hypothesis that tentatively answers the research question and involve collecting data and recording observations without making comparisons; correlative and comparative investigations, which have a hypothesis that predicts a relationship and involve collecting data, measuring variables relevant to the hypothesis that are manipulated, and comparing results; and experimental investigations, which involve processes similar to comparative

investigations but in which a hypothesis can be tested by comparing a treatment with a control.

(i) Scientific practices. Students ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(ii) Engineering practices. Students identify problems and design solutions using appropriate tools and models.

(iii) To support instruction in the science content standards, it is recommended that districts integrate scientific and engineering practices through classroom and outdoor investigations for at least 60% of instructional time.

(B) Matter and energy. Students build upon the knowledge learned in Kindergarten-Grade 2 by investigating the physical properties of matter. Students explore states of matter and observe that changes can occur to matter through heating and cooling. The students explore using substances by combining them to create or modify objects based on their physical properties.

(C) Force, motion, and energy. Students manipulate objects by pushing and pulling to demonstrate changes in motion and position. Students also identify forces such as magnetism and gravity. Students understand energy exists in many forms, including mechanical, thermal, light, and sound. The students identify forms of energy in everyday life.

(D) Earth and space. Students learn that there are recognizable processes that change the Earth over time. Students compare day-to-day changes in weather. They also investigate how soil is formed through the processes of weathering and decomposition. Students model rapid changes to Earth's surface as well as explore ways to conserve Earth's resources. Students recognize that there are identifiable objects and patterns in Earth's solar system. Students model the orbits of the Sun, Earth, and Moon as well as describe their relationship to each other. This will set the foundation for Grade 4 when they look at changes in the appearance of the Moon. Students also identify the sequence of the planets in Earth's solar system.

(E) Organisms and environments. Students explore patterns, systems, and cycles within environments by investigating characteristics of organisms, life cycles, and interactions among all components of the natural environment. Students examine how environment and the structures and functions of animals play a key role in survival. Students know that when changes in the environment occur, organisms may thrive, become ill, or perish. Students also examine fossils as evidence of past living organisms.

(2) Nature of science. Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(3) Scientific observations, inferences, hypotheses, and theories. Students are expected to know that:

(A) observations are active acquisition of either qualitative or quantitative information from a primary source through the senses;

(B) inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence;

(C) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(D) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(4) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students distinguish between scientific decision-making practices and ethical and social decisions that involve science.

(5) Recurring themes and concepts. Science consists of recurring themes and making connections between overarching concepts. Recurring themes include structure and function, systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. Models have limitations but provide a tool for understanding the ideas presented. Students analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(6) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Scientific and engineering practices. The student asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) use scientific practices to plan and conduct descriptive investigations and use engineering practices to design solutions to problems;

(C) demonstrate safe practices and the use of safety equipment during classroom and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use tools, including hand lenses; metric rulers; Celsius thermometers; wind vanes; rain gauges; graduated cylinders; beakers; digital scales; hot plates; meter sticks; magnets; notebooks; Sun, Earth, Moon system models; timing devices; materials to support observation of habitats of organisms such as terrariums, aquariums, and collecting nets; and materials to support digital data collection such as computers, tablets, and cameras, to observe, measure, test, and analyze information;

(E) collect observations and measurements as evidence;

(F) construct appropriate graphic organizers to collect data, including tables, bar graphs, line graphs, tree maps, concept maps, Venn diagrams, flow charts or sequence maps, and input-output tables that show cause and effect; and

(G) develop and use models to represent phenomena, objects, and processes or design a prototype for a solution to a problem.

(2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying any significant features, patterns, or sources of error;

(C) use mathematical calculations to compare patterns and relationships; and

(D) evaluate a design or object using criteria.

(3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) listen actively to others' explanations to identify relevant evidence and engage respectfully in scientific discussion.

(4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation for society. The student is expected to:

(A) explain how scientific discoveries and innovative solutions to problems impact science and society; and

(B) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field to investigate STEM careers.

(5) Recurring themes and concepts. The student understands that recurring themes and concepts provide a framework for making connections across disciplines. The student is expected to:

(A) identify and use patterns to explain scientific phenomena or to design solutions;

(B) identify and investigate cause-and-effect relationships to explain scientific phenomena or analyze problems;

(C) use scale, proportion, and quantity to describe, compare, or model different systems;

(D) examine and model the parts of a system and their interdependence in the function of the system;

(E) investigate the flow of energy and cycling of matter through systems;

(F) explain the relationship between the structure and function of objects, organisms, and systems; and

(G) explain how factors or conditions impact stability and change in objects, organisms, and systems.

(6) Matter and energy. The student knows that matter has measurable physical properties that determine how matter is identified, classified, changed, and used. The student is expected to:

(A) measure, test, and record physical properties of matter, including temperature, mass, magnetism, and the ability to sink or float in water;

(B) describe and classify samples of matter as solids, liquids, and gases and demonstrate that solids have a definite shape and that liquids and gases take the shape of their container;

(C) predict, observe, and record changes in the state of matter caused by heating or cooling in a variety of substances such as ice becoming liquid water, condensation forming on the outside of a glass, or liquid water being heated to the point of becoming water vapor (gas); and

(D) demonstrate that materials can be combined based on their physical properties to create or modify objects such as building a tower or adding clay to sand to make a stronger brick and justify the selection of materials based on their physical properties.

(7) Force, motion, and energy. The student knows the nature of forces and the patterns of their interactions. The student is expected to:

(A) demonstrate and describe forces acting on an object in contact or at a distance, including magnetism, gravity, and pushes and pulls; and

(B) plan and conduct a descriptive investigation to demonstrate and explain how position and motion can be changed by pushing and pulling objects such as swings, balls, and wagons.

(8) Force, motion, and energy. The student knows that energy is everywhere and can be observed in cycles, patterns, and systems. The student is expected to:

(A) identify everyday examples of energy, including light, sound, thermal, and mechanical; and

(B) plan and conduct investigations that demonstrate how the speed of an object is related to its mechanical energy.

(9) Earth and space. The student knows there are recognizable objects and patterns in Earth's solar system. The student is expected to:

(A) construct models and explain the orbits of the Sun, Earth, and Moon in relation to each other; and

(B) identify the order of the planets in Earth's solar system in relation to the Sun.

(10) Earth and space. The student knows that there are recognizable processes that change Earth over time. The student is expected to:

(A) compare and describe day-to-day weather in different locations at the same time, including air temperature, wind direction, and precipitation;

(B) investigate and explain how soils such as sand and clay are formed by weathering of rock and by decomposition of plant and animal remains; and

(C) model and describe rapid changes in Earth's surface such as volcanic eruptions, earthquakes, and landslides.

(11) Earth and space. The student understands how natural resources are important and can be managed. The student is expected to:

(A) explore and explain how humans use natural resources such as in construction, in agriculture, in transportation, and to make products;

(B) explain why the conservation of natural resources is important; and

(C) identify ways to conserve natural resources through reducing, reusing, or recycling.

(12) Organisms and environments. The student describes patterns, cycles, systems, and relationships within environments. The student is expected to:

(A) explain how temperature and precipitation affect animal growth and behavior through migration and hibernation and plant responses through dormancy;

(B) identify and describe the flow of energy in a food chain and predict how changes in a food chain such as removal of frogs from a pond or bees from a field affect the ecosystem;

(C) describe how natural changes to the environment such as floods and droughts cause some organisms to thrive and others to perish or move to new locations; and

(D) identify fossils as evidence of past living organisms and environments, including common Texas fossils.

(13) Organisms and environments. The student knows that organisms undergo similar life processes and have structures that function to help them survive within their environments. The student is expected to:

(A) explore and explain how external structures and functions of animals such as the neck of a giraffe or webbed feet on a duck enable them to survive in their environment; and

(B) explore, illustrate, and compare life cycles in organisms such as beetles, crickets, radishes, or lima beans.

§112.6. *Science, Grade 4, Adopted 2021.*

(a) Introduction.

(1) In Kindergarten through Grade 5 Science, content is organized into recurring strands. The concepts within each grade level build on prior knowledge, prepare students for the next grade level, and establish a foundation for high school courses. In Grade 4, the following concepts will be addressed in each strand.

(A) Scientific and engineering practices. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, correlative, comparative, or experimental. The method chosen should be appropriate to the grade level and question being asked. Student learning for different types of investigations includes descriptive investigations, which have no hypothesis that tentatively answers the research question and involve collecting data and recording observations without making comparisons; correlative and comparative investigations, which have a hypothesis that predicts a relationship and involve collecting data, measuring variables relevant to the hypothesis that are manipulated, and comparing results; and experimental investigations, which involve processes similar to comparative investigations but in which a hypothesis can be tested by comparing a treatment with a control.

(i) Scientific practices. Students ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(ii) Engineering practices. Students identify problems and design solutions using appropriate tools and models.

(iii) To support instruction in the science content standards, it is recommended that districts integrate scientific and engineering practices through classroom and outdoor investigations for at least 50% of instructional time.

(B) Matter and energy. Students investigate matter's measurable properties, including mass, volume, states, temperature, magnetism, and relative density, to determine how it is classified, changed, and used. Students compare and contrast a variety of mixtures, including solutions, and demonstrate that matter is conserved.

(C) Force, motion, and energy. Students investigate forces, including friction, gravity, and magnetism, to observe their effects on objects. They differentiate between mechanical, sound, light, thermal, and electrical energy. Students observe the cycle of energy and the parts of a system while exploring circuits that produce light and thermal energy. They will build on their understanding of circuits in Grade 5. As students explore thermal and electrical energy, they observe the behavior of different materials to identify patterns and label the materials as conductors or insulators.

(D) Earth and space. Students learn about processes on Earth that create patterns of change. These processes include the water cycle, weathering, erosion, deposition, the appearance of the Moon, and seasons. Students will build on this understanding in Grade 5 when they learn about day and night, shadows, and the rotation of Earth on its axis. Finally, students identify Earth's resources and classify them as renewable or nonrenewable.

(E) Organisms and environments. In this strand, students begin to understand how organisms within an ecosystem interact. Students investigate producers to learn how they make food. Students build on their understanding of food chains, from Grade 3, as they explore food webs where they describe the flow of energy and the role of producers, consumers, and decomposers. They also use fossil evidence to describe environments of the past. Additionally, students explore plant structures and their functions. Students also differentiate between inherited and acquired traits of organisms.

(2) Nature of science. Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(3) Scientific observations, inferences, hypotheses, and theories. Students are expected to know that:

(A) observations are active acquisition of either qualitative or quantitative information from a primary source through the senses;

(B) inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence;

(C) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(D) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(4) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should

be carried out. Students distinguish between scientific decision-making practices and ethical and social decisions that involve science.

(5) Recurring themes and concepts. Science consists of recurring themes and making connections between overarching concepts. Recurring themes include structure and function, systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. Models have limitations but provide a tool for understanding the ideas presented. Students analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(6) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Scientific and engineering practices. The student asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) use scientific practices to plan and conduct descriptive investigations and use engineering practices to design solutions to problems;

(C) demonstrate safe practices and the use of safety equipment during classroom and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use tools, including hand lenses; metric rulers; Celsius thermometers; calculators; laser pointers; mirrors; digital scales; balances; graduated cylinders; beakers; hot plates; meter sticks; magnets; notebooks; timing devices; sieves; materials for building circuits; materials to support observation of habitats of organisms such as terrariums, aquariums, and collecting nets; and materials to support digital data collection such as computers, tablets, and cameras, to observe, measure, test, and analyze information;

(E) collect observations and measurements as evidence;

(F) construct appropriate graphic organizers used to collect data, including tables, bar graphs, line graphs, tree maps, concept maps, Venn diagrams, flow charts or sequence maps, and input-output tables that show cause and effect; and

(G) develop and use models to represent phenomena, objects, and processes or design a prototype for a solution to a problem.

(2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying any significant features, patterns, or sources of error;

(C) use mathematical calculations to compare patterns and relationships; and

(D) evaluate a design or object using criteria.

(3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) listen actively to others' explanations to identify relevant evidence and engage respectfully in scientific discussion.

(4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation for society. The student is expected to:

(A) explain how scientific discoveries and innovative solutions to problems impact science and society; and

(B) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field to investigate STEM careers.

(5) Recurring themes and concepts. The student understands that recurring themes and concepts provide a framework for making connections across disciplines. The student is expected to:

(A) identify and use patterns to explain scientific phenomena or to design solutions;

(B) identify and investigate cause-and-effect relationships to explain scientific phenomena or analyze problems;

(C) use scale, proportion, and quantity to describe, compare, or model different systems;

(D) examine and model the parts of a system and their interdependence in the function of the system;

(E) investigate how energy flows and matter cycles through systems and how matter is conserved;

(F) explain the relationship between the structure and function of objects, organisms, and systems; and

(G) explain how factors or conditions impact stability and change in objects, organisms, and systems.

(6) Matter and energy. The student knows that matter has measurable physical properties that determine how matter is identified, classified, changed, and used. The student is expected to:

(A) classify and describe matter using observable physical properties, including temperature, mass, magnetism, relative density (the ability to sink or float in water), and physical state (solid, liquid, gas);

(B) investigate and compare a variety of mixtures, including solutions that are composed of liquids in liquids and solids in liquids; and

(C) demonstrate that matter is conserved when mixtures such as soil and water or oil and water are formed.

(7) Force, motion, and energy. The student knows the nature of forces and the patterns of their interactions. The student is expected to plan and conduct descriptive investigations to explore the patterns of forces such as gravity, friction, or magnetism in contact or at a distance on an object.

(8) Force, motion, and energy. The student knows that energy is everywhere and can be observed in cycles, patterns, and systems. The student is expected to:

(A) investigate and identify the transfer of energy by objects in motion, waves in water, and sound;

(B) identify conductors and insulators of thermal and electrical energy; and

(C) demonstrate and describe how electrical energy travels in a closed path that can produce light and thermal energy.

(9) Earth and space. The student recognizes patterns among the Sun, Earth, and Moon system and their effects. The student is expected to:

(A) collect and analyze data to identify sequences and predict patterns of change in seasons such as change in temperature and length of daylight; and

(B) collect and analyze data to identify sequences and predict patterns of change in the observable appearance of the Moon from Earth.

(10) Earth and space. The student knows that there are processes on Earth that create patterns of change. The student is expected to:

(A) describe and illustrate the continuous movement of water above and on the surface of Earth through the water cycle and explain the role of the Sun as a major source of energy in this process;

(B) model and describe slow changes to Earth's surface caused by weathering, erosion, and deposition from water, wind, and ice; and

(C) differentiate between weather and climate.

(11) Earth and space. The student understands how natural resources are important and can be managed. The student is expected to:

(A) identify and explain advantages and disadvantages of using Earth's renewable and nonrenewable natural resources such as wind, water, sunlight, plants, animals, coal, oil, and natural gas;

(B) explain the critical role of energy resources to modern life and how conservation, disposal, and recycling of natural resources impact the environment; and

(C) determine the physical properties of rocks that allow Earth's natural resources to be stored there.

(12) Organisms and environments. The student describes patterns, cycles, systems, and relationships within environments. The student is expected to:

(A) investigate and explain how most producers can make their own food using sunlight, water, and carbon dioxide through the cycling of matter;

(B) describe the cycling of matter and flow of energy through food webs, including the roles of the Sun, producers, consumers, and decomposers; and

(C) identify and describe past environments based on fossil evidence, including common Texas fossils.

(13) Organisms and environments. The student knows that organisms undergo similar life processes and have structures that function to help them survive within their environments. The student is expected to:

(A) explore and explain how structures and functions of plants such as waxy leaves and deep roots enable them to survive in their environment; and

(B) differentiate between inherited and acquired physical traits of organisms.

§112.7. *Science, Grade 5, Adopted 2021.*

(a) Introduction.

(1) In Kindergarten through Grade 5 Science, content is organized into recurring strands. The concepts within each grade level build on prior knowledge, prepare students for the next grade level, and establish a foundation for high school courses. In Grade 5, the following concepts will be addressed in each strand.

(A) Scientific and engineering practices. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, correlative, comparative, or experimental. The method chosen should be appropriate to the grade level and question being asked. Student learning for different types of investigations includes descriptive investigations, which have no hypothesis that tentatively answers the research question and involve collecting data and recording observations without making comparisons; correlative and comparative investigations, which have a hypothesis that predicts a relationship and involve collecting data, measuring variables relevant to the hypothesis that are manipulated, and comparing results; and experimental investigations, which involve processes similar to comparative investigations but in which a hypothesis can be tested by comparing a treatment with a control.

(i) Scientific practices. Students ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(ii) Engineering practices. Students identify problems and design solutions using appropriate tools and models.

(iii) To support instruction in the science content standards, it is recommended that districts integrate scientific and engineering practices through classroom and outdoor investigations for at least 50% of instructional time.

(B) Matter and energy. Students investigate matter expanding their understanding of properties learned in Grade 4 (mass, volume, states, temperature, magnetism, and relative density) to include solubility and the ability to conduct or insulate both thermal and electrical energy. Students observe the combination of substances to make mixtures and develop an understanding of conservation of matter. These concepts lead to the understanding of elements and compounds. Students will build on this understanding in middle school when they learn to determine density and to identify evidence of chemical changes.

(C) Force, motion, and energy. Students investigate equal and unequal forces and the effects these forces have on objects (motion and direction). Additionally, students investigate energy, including mechanical, light, thermal, electrical, and sound. They uncover cycles (e.g., movement of thermal energy), patterns (e.g., behavior of light, including reflection and refraction), and systems through their exploration. Students will build on this understanding in middle school when they begin to use calculations and measurements to study force, motion, and energy through the study of Newton's Laws of Motion.

(D) Earth and space. This strand is focused on identifying recognizable patterns and processes as students learn about Earth's

rotation and demonstrate the effects this movement has on Earth's surface, including day and night, shadows, and the rotation of Earth on its axis. Students continue their learning of patterns and processes on Earth while exploring weather, climate, the water cycle, the formation of sedimentary rock and fossil fuels, and the formation of landforms. Finally, students learn ways to manage natural resources to support a healthy environment.

(E) Organisms and environments. This strand focuses on identifying relationships, systems, and cycles within organisms and environments. Students describe the interactions of biotic and abiotic factors in an ecosystem. Students build on their understanding of food webs from Grade 4 by predicting how ecosystem changes affect the flow of energy. Additionally, they describe how humans impact the ecosystem. Students also learn how organisms' structures help them to survive, and they distinguish between instinctual and learned behaviors in animals. This will set the foundation for Grade 6 where students compare and contrast variations within organisms and how they impact survival.

(2) Nature of science. Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(3) Scientific observations, inferences, hypotheses, and theories. Students are expected to know that:

(A) observations are active acquisition of either qualitative or quantitative information from a primary source through the senses;

(B) inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence;

(C) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(D) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(4) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students distinguish between scientific decision-making practices and ethical and social decisions that involve science.

(5) Recurring themes and concepts. Science consists of recurring themes and making connections between overarching concepts. Recurring themes include structure and function, systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. Models have limitations but provide a tool for understanding the ideas presented. Students analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(6) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Scientific and engineering practices. The student asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) use scientific practices to plan and conduct descriptive and simple experimental investigations and use engineering practices to design solutions to problems;

(C) demonstrate safe practices and the use of safety equipment during classroom and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use tools, including calculators, microscopes, hand lenses, metric rulers, Celsius thermometers, prisms, concave and convex lenses, laser pointers, mirrors, digital scales, balances, spring scales, graduated cylinders, beakers, hot plates, meter sticks, magnets, collecting nets, notebooks, timing devices, materials for building circuits, materials to support observations of habitats or organisms such as terrariums and aquariums, and materials to support digital data collection such as computers, tablets, and cameras to observe, measure, test, and analyze information;

(E) collect observations and measurements as evidence;

(F) construct appropriate graphic organizers used to collect data, including tables, bar graphs, line graphs, tree maps, concept maps, Venn diagrams, flow charts or sequence maps, and input-output tables that show cause and effect; and

(G) develop and use models to represent phenomena, objects, and processes or design a prototype for a solution to a problem.

(2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying any significant features, patterns, or sources of error;

(C) use mathematical calculations to compare patterns and relationships; and

(D) evaluate experimental and engineering designs.

(3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) listen actively to others' explanations to identify relevant evidence and engage respectfully in scientific discussion.

(4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation for society. The student is expected to:

(A) explain how scientific discoveries and innovative solutions to problems impact science and society; and

(B) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field to investigate STEM careers.

(5) Recurring themes and concepts. The student understands that recurring themes and concepts provide a framework for making connections across disciplines. The student is expected to:

(A) identify and use patterns to explain scientific phenomena or to design solutions;

(B) identify and investigate cause-and-effect relationships to explain scientific phenomena or analyze problems;

(C) use scale, proportion, and quantity to describe, compare, or model different systems;

(D) examine and model the parts of a system and their interdependence in the function of the system;

(E) investigate how energy flows and matter cycles through systems and how matter is conserved;

(F) explain the relationship between the structure and function of objects, organisms, and systems; and

(G) explain how factors or conditions impact stability and change in objects, organisms, and systems.

(6) Matter and energy. The student knows that matter has measurable physical properties that determine how matter is identified, classified, changed, and used. The student is expected to:

(A) compare and contrast matter based on measurable, testable, or observable physical properties, including mass, magnetism, relative density (sinking and floating using water as a reference point), physical state (solid, liquid, gas), volume, solubility in water, and the ability to conduct or insulate thermal energy and electric energy;

(B) demonstrate and explain that some mixtures maintain physical properties of their substances such as iron filings and sand or sand and water;

(C) compare the properties of substances before and after they are combined into a solution and demonstrate that matter is conserved in solutions; and

(D) illustrate how matter is made up of particles that are too small to be seen such as air in a balloon.

(7) Force, motion, and energy. The student knows the nature of forces and the patterns of their interactions. The student is expected to:

(A) investigate and explain how equal and unequal forces acting on an object cause patterns of motion and transfer of energy; and

(B) design a simple experimental investigation that tests the effect of force on an object in a system such as a car on a ramp or a balloon rocket on a string.

(8) Force, motion, and energy. The student knows that energy is everywhere and can be observed in cycles, patterns, and systems. The student is expected to:

(A) investigate and describe the transformation of energy in systems such as energy in a flashlight battery that changes from chemical energy to electrical energy to light energy;

(B) demonstrate that electrical energy in complete circuits can be transformed into motion, light, sound, or thermal energy and identify the requirements for a functioning electrical circuit; and

(C) demonstrate and explain how light travels in a straight line and can be reflected, refracted, or absorbed.

(9) Earth and space. The student recognizes patterns among the Sun, Earth, and Moon system and their effects. The student is expected to demonstrate that Earth rotates on its axis once approximately every 24 hours and explain how that causes the day/night cycle and the appearance of the Sun moving across the sky, resulting in changes in shadow positions and shapes.

(10) Earth and space. The student knows that there are recognizable patterns and processes on Earth. The student is expected to:

(A) explain how the Sun and the ocean interact in the water cycle and affect weather;

(B) model and describe the processes that led to the formation of sedimentary rocks and fossil fuels; and

(C) model and identify how changes to Earth's surface by wind, water, or ice result in the formation of landforms, including deltas, canyons, and sand dunes.

(11) Earth and space. The student understands how natural resources are important and can be managed. The student is expected to design and explain solutions such as conservation, recycling, or proper disposal to minimize environmental impact of the use of natural resources.

(12) Organisms and environments. The student describes patterns, cycles, systems, and relationships within environments. The student is expected to:

(A) observe and describe how a variety of organisms survive by interacting with biotic and abiotic factors in a healthy ecosystem;

(B) predict how changes in the ecosystem affect the cycling of matter and flow of energy in a food web; and

(C) describe a healthy ecosystem and how human activities can be beneficial or harmful to an ecosystem.

(13) Organisms and environments. The student knows that organisms undergo similar life processes and have structures and behaviors that help them survive within their environments. The student is expected to:

(A) analyze the structures and functions of different species to identify how organisms survive in the same environment; and

(B) explain how instinctual behavioral traits such as turtle hatchlings returning to the sea and learned behavioral traits such as orcas hunting in packs increase chances of survival.

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 B. MIDDLE SCHOOL

### 19 TAC §§112.25 - 112.28

**STATUTORY AUTHORITY.** The new sections are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to by rule identify the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; and TEC, §28.002(j), which allows the SBOE to require laboratory instruction in secondary science courses and require a specific amount or percentage of time in a secondary science course that must be laboratory instruction.

**CROSS REFERENCE TO STATUTE.** The new sections implement Texas Education Code, §7.102(c)(4) and §28.002(a), (c), and (j).

§112.26. *Science, Grade 6, Adopted 2021.*

(a) Introduction.

(1) In Grades 6 through 8 Science, content is organized into recurring strands. The concepts within each grade level build on prior knowledge, prepare students for the next grade level, and establish a foundation for high school courses. In Grade 6, the following concepts will be addressed in each strand.

(A) Scientific and engineering practices. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, correlative, comparative, or experimental. The method chosen should be appropriate to the grade level and question being asked. Student learning for different types of investigations includes descriptive investigations, which have no hypothesis that tentatively answers the research question and involve collecting data and recording observations without making comparisons; correlative and comparative investigations, which have a hypothesis that predicts a relationship and involve collecting data, measuring variables relevant to the hypothesis that are manipulated, and comparing results; and experimental investigations, which involve processes similar to comparative investigations but in which a hypothesis can be tested by comparing a treatment with a control.

(i) Scientific practices. Students ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(ii) Engineering practices. Students identify problems and design solutions using appropriate tools and models.

(B) Matter and energy. Students build upon their knowledge of properties of solids, liquids, and gases and further explore their molecular energies. In Grade 6, students learn how elements are classified as metals, nonmetals, or metalloids based on their properties on the Periodic Table. Students have previous experience with mixtures in Grade 5. Grade 6 furthers their understanding by



investigating the different types of mixtures. Subsequent grades will learn about compounds. In Grade 6, students compare the density of substances relative to fluids and identify evidence of chemical changes.

(C) Force, motion, and energy. Students investigate the relationship between force and motion using a variety of means, including calculations and measurements through the study of Newton's Third Law of Motion. Subsequent grades will study force and motion through Newton's First and Second Laws of Motion. Energy occurs as either potential or kinetic energy. Potential energy can take several forms, including gravitational, elastic, and chemical energy. Energy is conserved throughout systems by changing from one form to another and transfers through waves.

(D) Earth and space. Cycles within Sun, Earth, and Moon systems are studied as students learn about seasons and tides. Students identify that the Earth is divided into spheres and examine the processes within and organization of the geosphere. Researching the advantages and disadvantages of short- and long-term uses of resources enables informed decision making about resource management.

(E) Organisms and environments. All living organisms are made up of smaller units called cells. Ecosystems are organized into communities, populations, and organisms. Students compare and contrast variations within organisms and how they impact survival. Students examine relationships and interactions between organisms, biotic factors, and abiotic factors in an ecosystem.

(2) Nature of science. Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(3) Scientific observations, inferences, hypotheses, and theories. Students are expected to know that:

(A) observations are active acquisition of either qualitative or quantitative information from a primary source through the senses;

(B) inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence;

(C) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(D) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(4) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students distinguish between scientific decision-making practices and ethical and social decisions that involve science.

(5) Recurring themes and concepts. Science consists of recurring themes and making connections between overarching concepts. Recurring themes include structure and function, systems, models, and

patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested. Models have limitations but provide a tool for understanding the ideas presented. Students analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(6) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) use scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as graduated cylinders, metric rulers, periodic tables, balances, scales, thermometers, temperature probes, laboratory ware, timing devices, pH indicators, hot plates, models, microscopes, slides, life science models, petri dishes, dissecting kits, magnets, spring scales or force sensors, tools that model wave behavior, satellite images, hand lenses, and lab notebooks or journals;

(E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;

(F) construct appropriate tables, graphs, maps, and charts using repeated trials and means to organize data;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying any significant descriptive statistical features, patterns, sources of error, or limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) relate the impact of past and current research on scientific thought and society, including the process of science, cost-benefit analysis, and contributions of diverse scientists as related to the content;

(B) make informed decisions by evaluating evidence from multiple appropriate sources to assess the credibility, accuracy, cost-effectiveness, and methods used; and

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field to investigate STEM careers.

(5) Recurring themes and concepts. The student understands that recurring themes and concepts provide a framework for making connections across disciplines. The student is expected to:

(A) identify and apply patterns to understand and connect scientific phenomena or to design solutions;

(B) identify and investigate cause-and-effect relationships to explain scientific phenomena or analyze problems;

(C) analyze how differences in scale, proportion, or quantity affect a system's structure or performance;

(D) examine and model the parts of a system and their interdependence in the function of the system;

(E) analyze and explain how energy flows and matter cycles through systems and how energy and matter are conserved through a variety of systems;

(F) analyze and explain the complementary relationship between the structure and function of objects, organisms, and systems; and

(G) analyze and explain how factors or conditions impact stability and change in objects, organisms, and systems.

(6) Matter and energy. The student knows that matter is made of atoms, can be classified according to its properties, and can undergo changes. The student is expected to:

(A) compare solids, liquids, and gases in terms of their structure, shape, volume, and kinetic energy of atoms and molecules;

(B) investigate the physical properties of matter to distinguish between pure substances, homogeneous mixtures (solutions), and heterogeneous mixtures;

(C) identify elements on the periodic table as metals, nonmetals, metalloids, and rare Earth elements based on their physical properties and importance to modern life;

(D) compare the density of substances relative to various fluids; and

(E) identify the formation of a new substance by using the evidence of a possible chemical change, including production of a gas, change in thermal energy, production of a precipitate, and color change.

(7) Force, motion, and energy. The student knows the nature of forces and their role in systems that experience stability or change. The student is expected to:

(A) identify and explain how forces act on objects, including gravity, friction, magnetism, applied forces, and normal forces, using real-world applications;

(B) calculate the net force on an object in a horizontal or vertical direction using diagrams and determine if the forces are balanced or unbalanced; and

(C) identify simultaneous force pairs that are equal in magnitude and opposite in direction that result from the interactions between objects using Newton's Third Law of Motion.

(8) Force, motion, and energy. The student knows that the total energy in systems is conserved through energy transfers and transformations. The student is expected to:

(A) compare and contrast gravitational, elastic, and chemical potential energies with kinetic energy;

(B) describe how energy is conserved through transfers and transformations in systems such as electrical circuits, food webs, amusement park rides, or photosynthesis; and

(C) explain how energy is transferred through transverse and longitudinal waves.

(9) Earth and space. The student models the cyclical movements of the Sun, Earth, and Moon and describes their effects. The student is expected to:

(A) model and illustrate how the tilted Earth revolves around the Sun, causing changes in seasons; and

(B) describe and predict how the positions of the Earth, Sun, and Moon cause daily, spring, and neap cycles of ocean tides due to gravitational forces.

(10) Earth and space. The student understands the rock cycle and the structure of Earth. The student is expected to:

(A) differentiate between the biosphere, hydrosphere, atmosphere, and geosphere and identify components of each system;

(B) model and describe the layers of Earth, including the inner core, outer core, mantle, and crust; and

(C) describe how metamorphic, igneous, and sedimentary rocks form and change through geologic processes in the rock cycle.

(11) Earth and space. The student understands how resources are managed. The student is expected to:

(A) research and describe why resource management is important in reducing global energy, poverty, malnutrition, and air and water pollution, and

(B) explain how conservation, increased efficiency, and technology can help manage air, water, soil, and energy resources.

(12) Organisms and environments. The student knows that interdependence occurs between living systems and the environment. The student is expected to:

(A) investigate how organisms and populations in an ecosystem depend on and may compete for biotic factors such as food and abiotic factors such as availability of light and water, range of temperatures, or soil composition;

(B) describe and give examples of predatory, competitive, and symbiotic relationships between organisms, including mutualism, parasitism, and commensalism; and

(C) describe the hierarchical organization of organism, population, and community within an ecosystem.

(13) Organisms and environments. The student knows that organisms have an organizational structure and variations can influence survival of populations. The student is expected to:

(A) describe the historical development of cell theory and explain how organisms are composed of one or more cells, which come from pre-existing cells and are the basic unit of structure and function;

(B) identify and compare the basic characteristics of organisms, including prokaryotic and eukaryotic, unicellular and multicellular, and autotrophic and heterotrophic; and

(C) describe how variations within a population can be an advantage or disadvantage to the survival of a population as environments change.

§112.27. *Grade 7, Adopted 2021.*

(a) Introduction.

(1) In Grades 6 through 8 Science, content is organized into recurring strands. The concepts within each grade level build on prior knowledge, prepare students for the next grade level, and establish a foundation for high school courses. In Grade 7, the following concepts will be addressed in each strand.

(A) Scientific and engineering practices. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, correlative, comparative, or experimental. The method chosen should be appropriate to the grade level and question being asked. Student learning for different types of investigations includes descriptive investigations, which have no hypothesis that tentatively answers the research question and involve collecting data and recording observations without making comparisons; correlative and comparative investigations, which have a hypothesis that predicts a relationship and involve collecting data, measuring variables relevant to the hypothesis that are manipulated, and comparing results; and experimental investigations, which involve processes similar to comparative investigations but in which a hypothesis can be tested by comparing a treatment with a control.

(i) Scientific practices. Students ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(ii) Engineering practices. Students identify problems and design solutions using appropriate tools and models.

(B) Matter and energy. Students have prior experience with elements in Grade 6 and develop an understanding that compounds are also pure substances in Grade 7. Students investigate the differences between elements and compounds through observations, descriptions of physical properties, and chemical reactions. Students build upon their understanding of solutions by exploring aqueous solutions.

(C) Force, motion, and energy. Students measure, calculate, graph, and investigate how forces impact linear motion. Stu-

dents build upon their understanding of the laws of motions by exploring Newton's First Law of Motion. Temperature is a measure of the average kinetic energy of molecules. Thermal energy is transferred by conduction, convection, or radiation in order to reach thermal equilibrium.

(D) Earth and space. Students explore characteristics and organization of objects and the role of gravity within our solar system. Earth has a specific set of characteristics that allows life to exist. Students further their understanding of the geosphere by illustrating how Earth's features change over time through tectonic movement. Students investigate how humans depend on and affect the hydrosphere.

(E) Organisms and environments. Students further their understanding of organisms as systems made up of cells organized into tissues, tissues into organs, and organs into organ systems by identifying the main functions of the organs within the human body. During both sexual and asexual reproduction, traits are passed on to the next generation. Students understand how traits in populations can change through the processes of natural and artificial selection. Students analyze how energy flows through trophic levels and how biodiversity impacts an ecosystem's sustainability. Students gain an understanding of the taxonomic classifications of organisms and how characteristics determine their classification.

(2) Nature of science. Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(3) Scientific observations, inferences, hypotheses, and theories. Students are expected to know that:

(A) observations are active acquisition of either qualitative or quantitative information from a primary source through the senses;

(B) inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence;

(C) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(D) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(4) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students distinguish between scientific decision-making practices and ethical and social decisions that involve science.

(5) Recurring themes and concepts. Science consists of recurring themes and making connections between overarching concepts. Recurring themes include structure and function, systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These

patterns help to make predictions that can be scientifically tested. Models have limitations but provide a tool for understanding the ideas presented. Students analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(6) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) use scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as graduated cylinders, metric rulers, periodic tables, balances, scales, thermometers, temperature probes, laboratory ware, timing devices, pH indicators, hot plates, models, microscopes, slides, life science models, petri dishes, dissecting kits, magnets, spring scales or force sensors, tools that model wave behavior, satellite images, hand lenses, and lab notebooks or journals;

(E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;

(F) construct appropriate tables, graphs, maps, and charts using repeated trials and means to organize data;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying any significant descriptive statistical features, patterns, sources of error, or limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) relate the impact of past and current research on scientific thought and society, including the process of science, cost-benefit analysis, and contributions of diverse scientists as related to the content;

(B) make informed decisions by evaluating evidence from multiple appropriate sources to assess the credibility, accuracy, cost-effectiveness, and methods used; and

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field to investigate STEM careers.

(5) Recurring themes and concepts. The student understands that recurring themes and concepts provide a framework for making connections across disciplines. The student is expected to:

(A) identify and apply patterns to understand and connect scientific phenomena or to design solutions;

(B) identify and investigate cause-and-effect relationships to explain scientific phenomena or analyze problems;

(C) analyze how differences in scale, proportion, or quantity affect a system's structure or performance;

(D) examine and model the parts of a system and their interdependence in the function of the system;

(E) analyze and explain how energy flows and matter cycles through systems and how energy and matter are conserved through a variety of systems;

(F) analyze and explain the complementary relationship between structure and function of objects, organisms, and systems; and

(G) analyze and explain how factors or conditions impact stability and change in objects, organisms, and systems.

(6) Matter and energy. The student distinguishes between elements and compounds, classifies changes in matter, and understands the properties of solutions. The student is expected to:

(A) compare and contrast elements and compounds in terms of atoms and molecules, chemical symbols, and chemical formulas;

(B) use the periodic table to identify the atoms and the number of each kind within a chemical formula;

(C) distinguish between physical and chemical changes in matter;

(D) describe aqueous solutions in terms of solute and solvent, concentration, and dilution; and

(E) investigate and model how temperature, surface area, and agitation affect the rate of dissolution of solid solutes in aqueous solutions.

(7) Force, motion, and energy. The student describes the cause-and-effect relationship between force and motion. The student is expected to:

(A) calculate average speed using distance and time measurements from investigations;

(B) distinguish between speed and velocity in linear motion in terms of distance, displacement, and direction;

(C) measure, record, and interpret an object's motion using distance-time graphs; and

(D) analyze the effect of balanced and unbalanced forces on the state of motion of an object using Newton's First Law of Motion.

(8) Force, motion, and energy. The student understands the behavior of thermal energy as it flows into and out of systems. The student is expected to:

(A) investigate methods of thermal energy transfer into and out of systems, including conduction, convection, and radiation;

(B) investigate how thermal energy moves in a predictable pattern from warmer to cooler until all substances within the system reach thermal equilibrium; and

(C) explain the relationship between temperature and the kinetic energy of the particles within a substance.

(9) Earth and space. The student understands the patterns of movement, organization, and characteristics of components of our solar system. The student is expected to:

(A) describe the physical properties, locations, and movements of the Sun, planets, moons, meteors, asteroids, comets, Kuiper belt, and Oort cloud;

(B) describe how gravity governs motion within Earth's solar system; and

(C) analyze the characteristics of Earth that allow life to exist such as the proximity of the Sun, presence of water, and composition of the atmosphere.

(10) Earth and space. The student understands the causes and effects of plate tectonics. The student is expected to:

(A) describe the evidence that supports that Earth has changed over time, including fossil evidence, plate tectonics, and superposition; and

(B) describe how plate tectonics causes ocean basin formation, earthquakes, mountain building, and volcanic eruptions, including supervolcanoes and hot spots.

(11) Earth and space. The student understands how human activity can impact the hydrosphere. The student is expected to:

(A) analyze the beneficial and harmful influences of human activity on groundwater and surface water in a watershed; and

(B) describe human dependence and influence on ocean systems and explain how human activities impact these systems.

(12) Organisms and environments. The student understands that ecosystems are dependent upon the cycling of matter and the flow of energy. The student is expected to:

(A) diagram the flow of energy within trophic levels and describe how the available energy decreases in successive trophic levels in energy pyramids; and

(B) describe how ecosystems are sustained by the continuous flow of energy and the recycling of matter and nutrients within the biosphere.

(13) Organisms and environments. The student knows how systems are organized and function to support the health of an organism and how traits are inherited. The student is expected to:

(A) identify and model the main functions of the systems of the human organism, including the circulatory, respiratory, skeletal, muscular, digestive, urinary, reproductive, integumentary, nervous, immune, and endocrine systems;

(B) describe the hierarchical organization of cells, tissues, organs, and organ systems within plants and animals;

(C) compare the results of asexual and sexual reproduction of plants and animals in relation to the diversity of offspring and the changes in the population over time; and

(D) describe and give examples of how natural and artificial selection change the occurrence of traits in a population over generations.

(14) Organisms and environments. The student knows how the taxonomic system is used to describe relationships between organisms. The student is expected to:

(A) describe the taxonomic system that categorizes organisms based on similarities and differences shared among groups; and

(B) describe the characteristics of the recognized kingdoms and their importance in ecosystems such as bacteria aiding digestion or fungi decomposing organic matter.

§112.28. *Grade 8, Adopted 2021.*

(a) Introduction.

(1) In Grades 6 through 8 Science, content is organized into recurring strands. The concepts within each grade level build on prior knowledge, prepare students for the next grade level, and establish a foundation for high school courses. In Grade 8, the following concepts will be addressed in each strand.

(A) Scientific and engineering practices. Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, correlative, comparative, or experimental. The method chosen should be appropriate to the grade level and question being asked. Student learning for different types of investigations includes descriptive investigations, which have no hypothesis that tentatively answers the research question and involve collecting data and recording observations without making comparisons; correlative and comparative investigations, which have a hypothesis that predicts a relationship and involve collecting data, measuring variables relevant to the hypothesis that are manipulated, and comparing results; and experimental investigations, which involve processes similar to comparative investigations but in which a hypothesis can be tested by comparing a treatment with a control.

(i) Scientific practices. Students ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(ii) Engineering practices. Students identify problems and design solutions using appropriate tools and models.

(B) Matter and energy. Students make connections between elements, compounds, and mixtures that were introduced in prior grade levels. Students examine the properties of water, acids, and

bases. In addition, students understand the basic concept of conservation of mass using chemical equations.

(C) Force, motion, and energy. Students are introduced to Newton's Second Law of Motion and investigate how all three laws of motion act simultaneously within systems. Students understand that waves transfer energy and further explore the characteristics and applications of waves.

(D) Earth and space. Students learn that stars and galaxies are part of the universe. In addition, students use data to research scientific theories of the origin of the universe. Students learn how interactions in solar, weather, and ocean systems create changes in weather patterns and climate. In addition, students understand that climate can be impacted by natural events and human activities.

(E) Organisms and environments. Students identify the function of organelles. Traits are contained in genetic material that is found on genes within a chromosome from the parent. These traits influence the success of a species over time. Students explore how organisms and their populations respond to environmental changes, including those caused by human activities.

(2) Nature of science. Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(3) Scientific observations, inferences, hypotheses, and theories. Students are expected to know that:

(A) observations are active acquisition of either qualitative or quantitative information from a primary source through the senses;

(B) inferences are conclusions reached on the basis of observations or reasoning supported by relevant evidence;

(C) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(D) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(4) Science and social ethics. Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students distinguish between scientific decision-making practices and ethical and social decisions that involve science.

(5) Recurring themes and concepts. Science consists of recurring themes and making connections between overarching concepts. Recurring themes include structure and function, systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested. Models have limitations but provide a tool for understanding the ideas presented. Students analyze a system in terms of its components and how

these components relate to each other, to the whole, and to the external environment.

(6) Statements containing the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) use scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as graduated cylinders, metric rulers, periodic tables, balances, scales, thermometers, temperature probes, laboratory ware, timing devices, pH indicators, hot plates, models, microscopes, slides, life science models, petri dishes, dissecting kits, magnets, spring scales or force sensors, tools that model wave behavior, satellite images, weather maps, hand lenses, and lab notebooks or journals;

(E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;

(F) construct appropriate tables, graphs, maps, and charts using repeated trials and means to organize data;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(2) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying any significant descriptive statistical features, patterns, sources of error, or limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(3) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(4) Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) relate the impact of past and current research on scientific thought and society, including the process of science, cost-benefit analysis, and contributions of diverse scientists as related to the content;

(B) make informed decisions by evaluating evidence from multiple appropriate sources to assess the credibility, accuracy, cost-effectiveness, and methods used; and

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field to investigate STEM careers.

(5) Recurring themes and concepts. The student understands that recurring themes and concepts provide a framework for making connections across disciplines. The student is expected to:

(A) identify and apply patterns to understand and connect scientific phenomena or to design solutions;

(B) identify and investigate cause-and-effect relationships to explain scientific phenomena or analyze problems;

(C) analyze how differences in scale, proportion, or quantity affect a system's structure or performance;

(D) examine and model the parts of a system and their interdependence in the function of the system;

(E) analyze and explain how energy flows and matter cycles through systems and how energy and matter are conserved through a variety of systems;

(F) analyze and explain the complementary relationship between the structure and function of objects, organisms, and systems; and

(G) analyze and explain how factors or conditions impact stability and change in objects, organisms, and systems.

(6) Matter and energy. The student understands that matter can be classified according to its properties and matter is conserved in chemical changes that occur within closed systems. The student is expected to:

(A) explain by modeling how matter is classified as elements, compounds, homogeneous mixtures, or heterogeneous mixtures;

(B) use the periodic table to identify the atoms involved in chemical reactions;

(C) describe the properties of cohesion, adhesion, and surface tension in water and relate to observable phenomena such as the formation of droplets, transport in plants, and insects walking on water;

(D) compare and contrast the properties of acids and bases, including pH relative to water; and

(E) investigate how mass is conserved in chemical reactions and relate conservation of mass to the rearrangement of atoms using chemical equations, including photosynthesis.

(7) Force, motion, and energy. The student understands the relationship between force and motion within systems. The student is expected to:

(A) calculate and analyze how the acceleration of an object is dependent upon the net force acting on the object and the mass of the object using Newton's Second Law of Motion; and

(B) investigate and describe how Newton's three laws of motion act simultaneously within systems such as in vehicle restraints, sports activities, amusement park rides, Earth's tectonic activities, and rocket launches.

(8) Force, motion, and energy. The student knows how energy is transferred through waves. The student is expected to:

(A) compare the characteristics of amplitude, frequency, and wavelength in transverse waves, including the electromagnetic spectrum; and

(B) explain the use of electromagnetic waves in applications such as radiation therapy, wireless technologies, fiber optics, microwaves, ultraviolet sterilization, astronomical observations, and X-rays.

(9) Earth and space. The student describes the characteristics of the universe and the relative scale of its components. The student is expected to:

(A) describe the life cycle of stars and compare and classify stars using the Hertzsprung-Russell diagram;

(B) categorize galaxies as spiral, elliptical, and irregular and locate Earth's solar system within the Milky Way galaxy; and

(C) research and analyze scientific data used as evidence to develop scientific theories that describe the origin of the universe.

(10) Earth and space. The student knows that interactions between Earth, ocean, and weather systems impact climate. The student is expected to:

(A) describe how energy from the Sun, hydrosphere, and atmosphere interact and influence weather and climate;

(B) identify global patterns of atmospheric movement and how they influence local weather; and

(C) describe the interactions between ocean currents and air masses that produce tropical cyclones, including typhoons and hurricanes.

(11) Earth and space. The student knows that natural events and human activity can impact global climate. The student is expected to:

(A) use scientific evidence to describe how natural events, including volcanic eruptions, meteor impacts, abrupt changes in ocean currents, and the release and absorption of greenhouse gases influence climate;

(B) use scientific evidence to describe how human activities, including the release of greenhouse gases, deforestation, and urbanization, can influence climate; and

(C) describe the carbon cycle.

(12) Organisms and environments. The student understands stability and change in populations and ecosystems. The student is expected to:

(A) explain how disruptions such as population changes, natural disasters, and human intervention impact the transfer of energy in food webs in ecosystems;

(B) describe how primary and secondary ecological succession affect populations and species diversity after ecosystems are disrupted by natural events or human activity; and

(C) describe how biodiversity contributes to the stability and sustainability of an ecosystem and the health of the organisms within the ecosystem.

(13) Organisms and environments. The student knows how cell functions support the health of an organism and how adaptation and variation relate to survival. The student is expected to:

(A) identify the function of the cell membrane, cell wall, nucleus, ribosomes, cytoplasm, mitochondria, chloroplasts, and vacuoles in plant or animal cells;

(B) describe the function of genes within chromosomes in determining inherited traits of offspring; and

(C) describe how variations of traits within a population lead to structural, behavioral, and physiological adaptations that influence the likelihood of survival and reproductive success of a species over generations.

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 127. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR CAREER DEVELOPMENT

The State Board of Education (SBOE) adopts new §§127.316, 127.319-127.321, 127.324-127.326, 127.417-127.433, 127.482, 127.652, 127.778-127.782, and 127.785-127.787, concerning Texas Essential Knowledge and Skills (TEKS) for career development. The new sections are adopted with changes to the proposed text as published in the October 8, 2021 issue of the *Texas Register* (46 TexReg 6692) and will be republished. The adopted new sections update the standards to ensure the standards remain current and better support the revised career and technical education (CTE) programs of study.

**REASONED JUSTIFICATION:** In accordance with statutory requirements that the SBOE by rule identify the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

At the January 2021 meeting, the board held a work session to discuss the timeline for the TEKS review and revision process and associated activities, including updates to State Board for Educator Certification teacher assignment rules and certification

exams, adoption of instructional materials, and the completion of the Texas Resource Review. Texas Education Agency (TEA) staff provided an overview of CTE programs of study and a skills gap analysis that is being completed to inform review and revision of the CTE TEKS.

Also, during the January 2021 meeting, staff provided an update on plans for the review and revision of CTE courses that satisfy a science graduation requirement as well as certain courses in the health science, education and training, and science, technology, engineering, and mathematics (STEM) programs of study. Applications to serve on these CTE TEKS review work groups were posted on the TEA website in December 2020. TEA staff provided SBOE members applications for approval to serve on a CTE work group at the January 2021 SBOE meeting. Additional applications were provided to SBOE members in February and March 2021. Work groups were convened from March-July 2021 to develop recommendations for the CTE courses. At the June 2021 SBOE meeting, a discussion item for proposed new CTE courses was presented to the board.

Currently, CTE courses are codified in 19 TAC Chapter 130. Due to the current structure of Chapter 130, there are not enough section numbers available to add all of the proposed new courses in their assigned subchapters. To accommodate the addition of these new courses and future courses, the CTE TEKS in Chapter 130 are being moved to existing 19 TAC Chapter 127, Texas Essential Knowledge and Skills for Career Development, and that chapter is being renamed "Texas Essential Knowledge and Skills for Career Development and Career and Technical Education." The move of CTE subchapters from Chapter 130 to Chapter 127 will take place over time as the TEKS in each subchapter are revised.

The new sections address the areas of education and training, health science, hospitality and tourism, law and public service, and STEM and introduce new standards for early learning, healthcare administration, nursing, pharmacy, and computer-aided design. The new CTE TEKS will be implemented over the course of three school years from 2022-2023 to 2024-2025 in order to allow sufficient time for districts to prepare for the implementation of new standards and for the development of instructional materials and other resources.

In order to avoid confusion regarding the year of implementation, specific implementation language is being added at adoption to each course, and the separate implementation sections are being withdrawn as proposed. The SBOE approved withdrawal of §127.416 and §127.651, which contained implementation language for Chapter 127, Subchapters I and M, and the sections are not included in the adoption. The withdrawal of §127.416 and §127.651 can be found in the Withdrawn Rules section of this issue.

In addition, at the September 2021 SBOE meeting, the board approved a recommendation to remove four new computer science courses from consideration for first reading and filing authorization. The courses would have been included in new Chapter 127, Subchapter O. However, the four new courses were inadvertently filed as proposed with the Texas Register and published as proposed new §§127.788-127.791. In order to address the error, the SBOE approved withdrawal of the four courses at the November 2021 meeting. Therefore, §§127.788-127.791 are not included in the adoption. The withdrawal of §§127.788-127.791 can be found in the Withdrawn Rules section of this issue. The board will have the opportunity to consider for first



reading and filing authorization the four new computer science courses at the April 2022 SBOE meeting.

The following changes were made since published as proposed.

*Chapter 127, Subchapter G*

New §127.316(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year."

New §127.316(a)(1) was added to read, "No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.316(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years."

New §127.316(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

The student expectation in §127.316(d)(6)(B) was amended by inserting the phrase "in urban and rural areas and public and private schools" after the phrase "types of schools," striking the word "and" before the word "Montessori," striking the phrase "public, private," and striking the phrase "and schools in urban and rural areas."

A new student expectation was added to §127.316(d)(8)(D) that reads, "analyze positive behavior intervention techniques, including restorative practices."

A new student expectation was added to §127.316(d)(8)(E) that reads, "develop a differentiated lesson plan that includes scaffolding for all levels of learners."

New §127.319(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year."

New §127.319(a)(1) was added to read, "No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.319(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years."

New §127.319(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that

instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.319(b) was amended by replacing the phrase "Grade 10 but open for students through Grade 12" with the phrase "Grades 10-12."

A new student expectation was added to §127.319(d)(4)(D) that reads, "identify and discuss adverse childhood experiences and their potential impact."

New §127.320(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year."

New §127.320(a)(1) was added to read, "No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.320(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years."

New §127.320(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

The student expectation in §127.320(d)(2)(D) was amended by replacing the phrase "educational/academic" with the phrase "educational and academic" and by replacing the phrase "degrees/certifications" with the phrase "degrees and certifications."

The student expectation in §127.320(d)(3)(A) was amended by inserting the phrase "and reflect on the application of" after the word "apply" and by striking the phrase "and reflect on the application thereof."

The student expectation in §127.320(c)(3)(B) was amended by inserting the phrase "and reflect on the application of" after the word "apply" and by striking the phrase "and reflect on the application thereof."

Section 127.320(d)(8) was amended by inserting the phrase "appropriate for effectively supporting students in the classroom" after the phrase "technology skills."

The student expectation in §127.320(d)(8)(A) was amended by replacing the phrase "current technology applications" with the phrase "a variety of assistive technologies."

The student expectation in §127.320(d)(8)(B) was amended by replacing the phrase "the skillful use of technology as a tool" with the phrase "various educational technologies as tools."

New §127.321(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year."

New §127.321(a)(1) was added to read, "No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.321(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years."

New §127.321(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.321(b) was amended by replacing the phrase "required prerequisite" with the word "prerequisite."

New §127.324(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year."

New §127.324(a)(1) was added to read, "No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.324(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years."

New §127.324(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

New §127.325(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year."

New §127.325(a)(1) was added to read, "No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.325(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years."

New §127.325(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.325(b) was amended by inserting the phrase "Prerequisite: At least one credit in a course from the education and training career cluster."

The student expectation in §127.325(d)(3)(B) was amended by replacing the phrase "determine and implement" with the phrase "summarize and apply acquired" and by striking the phrase "learned in this course."

The student expectation in §127.325(d)(4)(D) was amended by inserting the phrase "providing support for" before the phrase "learning differences."

A new student expectation was added to §127.325(d)(15)(A) that reads, "identify the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973."

The student expectation in §127.325(d)(15)(C) was amended by adding the word "Section" after the phrase "components of a" and by replacing the word "plan" with the word "Plan."

New §127.326(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year."

New §127.326(a)(1) was added to read, "No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.326(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years."

New §127.326(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

The student expectation in §127.326(d)(3)(E) was amended by replacing the phrase "educational/academic" with the phrase "educational and academic" and by replacing the phrase "degrees/certifications" with the phrase "degrees and certifications."

The student expectation in §127.326(d)(5)(B) was amended by inserting the phrase "and numeracy" after the word "literacy."

Technical edits were also made throughout Subchapter G.

*Chapter 127, Subchapter I*

Section 127.416, which would have provided implementation information for Subchapter I, was approved for withdrawal. The implementation language for Subchapter I will be included as new subsection (a) in each section.

New §127.417(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year."

New §127.417(a)(1) was added to read, "No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.417(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years."

New §127.417(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

The student expectation in §127.417(d)(3)(A) was amended by inserting the phrase "strategies such as correct pronunciation of medical terms" after the word "verbal" and by striking the phrase "pronunciation of medical terms and."

New §127.418(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year."

New §127.418(a)(1) was added to read, "No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.418(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years."

New §127.418(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

New §127.419(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year."

New §127.419(a)(1) was added to read, "No later than August 31, 2022, the commissioner of education shall determine

whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.419(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years."

New §127.419(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.419(b) was amended by striking the phrase "and Business Information Management I," replacing the word "prerequisite" with the word "prerequisites," and inserting the phrase "and Business Information Management I" after the phrase "Health Science."

The student expectation in §127.419(d)(2)(F) was amended by replacing the word "health" with the word "healthcare" and by inserting the word "access" after the word "equity."

New §127.420(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year."

New §127.420(a)(1) was added to read, "No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.420(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years."

New §127.420(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.420(b) was amended by replacing the phrase "Principles of Health Science. Recommended prerequisite: Medical Terminology" with the phrase "at least one credit in a Level 2 or higher course from the health science career cluster."

The student expectation in §127.420(d)(2)(D) was amended by inserting the phrase "including the Centers for Disease Control and Prevention (CDC) and World Health Organization (WHO)," striking the phrase "including the Centers for Disease Control and Prevention (CDC)," and striking the phrase "including the World Health Organization (WHO)."

The student expectation in §127.420(d)(3)(A) was amended by inserting the phrase "and quality" after the word "availability."

The student expectation in §127.420(d)(6) was amended by inserting the phrase "including informed consent and patient confidentiality" after the word "guidelines" and by striking the phrase "including informed consent and patient confidentiality" after the word "subjects."

New §127.421(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year."

New §127.421(a)(1) was added to read, "No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.421(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years."

New §127.421(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

The student expectation in §127.421(d)(3)(G) was amended by replacing the word "or" with the word "of."

New §127.422(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year."

New §127.422(a)(1) was added to read, "No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.422(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years."

New §127.422(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.422(b) was amended by replacing the phrase "one credit from a level one course or level two course within a health science program of study" with the phrase "at least one credit in a course from the health science career cluster."

Section 127.422(c)(3) was amended by inserting the sentence "Students will become familiar with industry-based standards for documenting and maintaining medical information; research industry employment requirements, including education, certification, and licensing requirements; and evaluate ethical and legal responsibilities of health science professionals" and by inserting the word "clinical" after the word "continued."

The student expectation in §127.422(d)(12)(A) was amended by inserting the phrase "and Texas Department of State Health Services (DSHS)" after the phrase "National Institute of Health (NIH)."

New §127.423(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year."

New §127.423(a)(1) was added to read, "No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.423(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years."

New §127.423(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.423(b) was amended by replacing the phrase "and one additional credit of high school science. Recommended prerequisite: a course from the Health Science Career Cluster" with the phrase "and one credit in chemistry, Integrated Physics and Chemistry, or physics."

The student expectation in §127.423(d)(2)(D) was amended by striking the phrase "models, diagrams, or sample of biological specimens or structures," inserting the phrase "blood pressure monitors" after the word "otoscope," and inserting the phrase "and models, diagrams, or sample of biological specimens or structures" after the phrase "ultrasound equipment."

The student expectation in §127.423(d)(8)(C) was amended by striking the phrase "spongy and compact" and inserting the phrase "spongy and compact tissue" after the word "including."

The student expectation in §127.423(d)(11)(A) was amended by inserting the word "between" after the word "distinguish."

The student expectation in §127.423(d)(14)(C) was amended by inserting the phrase "anatomy of the heart, including tissue layers, chambers, and valves" after the word "internal" and by striking the phrase "tissue layers, chambers, valves, and."

New §127.424(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year."

New §127.424(a)(1) was added to read, "No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.424(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years."

New §127.424(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.424(b) was amended by striking the word "and" after the word "biology" and by inserting the phrase "and at least one credit in a Level 2 or higher course from the health science career cluster."

The student expectation in §127.424(d)(8)(D) was amended by striking the phrase "and differentiate between" and by inserting the phrase "and differentiate between the causes, prevention, and impact of nosocomial infections" after the phrase "impact of nosocomial infections."

New §127.425(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year."

New §127.425(a)(1) was added to read, "No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.425(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years."

New §127.425(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

The student expectation in §127.425(d)(8)(C) was amended by replacing the phrase "expired/recalled" with the phrase "expired and recalled" and by replacing the phrase "medications/supplies" with the phrase "medications and supplies."

New §127.426(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year."

New §127.426(a)(1) was added to read, "No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.426(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years."

New §127.426(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.426(b) was amended by striking the word "and" after the word "biology" and by inserting the phrase "and Pharmacy I" after the word "chemistry."

The student expectation in §127.426(d)(2)(B) was amended by replacing the word "population" with the word "populations."

The student expectation in §127.426(d)(6)(D) was amended by inserting the phrase "putting on" before the word "donning."

The student expectation in §127.426(d)(13)(E) was amended by inserting the phrase "putting on" before the word "donning" and by inserting the word "removing" before the word "doffing."

New §127.427(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year."

New §127.427(a)(1) was added to read, "No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.427(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years."

New §127.427(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

The student expectation in §127.427(d)(12)(F) was amended by inserting the phrase "putting on" before the word "donning" and by inserting the word "removing" before the word "doffing."

New §127.428(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year."

New §127.428(a)(1) was added to read, "No later than August 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.428(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years."

New §127.428(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.428(b) was amended by striking the word "and" after the word "biology" and replacing the phrase "Recommended prerequisite: a course from the Health Science Career Cluster" with the phrase "and at least one credit in a Level 2 or higher course from the health science career cluster."

New §127.429(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year."

New §127.429(a)(1) was added to read, "No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.429(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years."

New §127.429(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.429(b) was amended by replacing the phrase "Prerequisite or corequisite: Anatomy and Physiology. Recommended prerequisite: a course from the Health Science Career Cluster" with the phrase "Prerequisite: At least one credit in a course from the health science career cluster."

The student expectation in §127.429(d)(2)(B) was amended by striking the phrase "the impact of cultural diversity on patient care

such as differences in" and inserting the phrase "impact patient care" after the word "religion."

New §127.430(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year."

New §127.430(a)(1) was added to read, "No later than August 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.430(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years."

New §127.430(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

The student expectation in §127.430(d)(2)(B) was amended by striking the phrase "the impact of cultural diversity on patient care such as differences in" and inserting the phrase "impact patient care" after the word "religion."

New §127.431(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year."

New §127.431(a)(1) was added to read, "No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.431(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years."

New §127.431(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.431(b) was amended by striking the word "and" after the word "biology," by inserting the phrase "and at least one credit in a course from the health science career cluster," and by replacing the phrase "a course from the Health Science Career Cluster" with the phrase "Science of Nursing."

New §127.432(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year."

New §127.432(a)(1) was added to read, "No later than August 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.432(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years."

New §127.432(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.432(b) was amended by replacing the phrase "from the Health Science Career Cluster" with the phrase "in a Level 2 or higher course in the nursing science program of study."

Section 127.432(d)(8) was amended by replacing the phrase "is expected to provide" with the word "provides."

New §127.433(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year."

New §127.433(a)(1) was added to read, "No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.433(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years."

New §127.433(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.433(b) was amended by striking the word "and" after the word "biology," and replacing the phrase "Recommended prerequisite: a course from the Health Science Career Cluster" with the phrase "and at least one credit in a course from the health science career cluster."

Technical edits were also made throughout Subchapter I.

#### *Chapter 127, Subchapter J*

New §127.482(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year."

New §127.482(a)(1) was added to read, "No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.482(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years."

New §127.482(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.482(b) was amended by striking the word "and" after the word "biology" and by inserting the phrase "and at least one credit in a Level 2 or higher course from the hospitality and tourism career cluster" after the word "chemistry."

Technical edits were also made throughout §127.482.

#### *Chapter 127, Subchapter M*

Section 127.651, which would have provided implementation information for Subchapter M, was approved for withdrawal. The implementation language for Subchapter M will be included as new subsection (a) in each section.

New §127.652(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year."

New §127.652(a)(1) was added to read, "No later than August 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.652(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years."

New §127.652(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.652(b) was amended by striking the word "and" after the word "biology" and by inserting the phrase "integrated physics and chemistry, or physics" after the word "chemistry."

The student expectation in §127.652(d)(12)(B) was amended by inserting the phrase "forensic science" after the word "using."

#### *Chapter 127, Subchapter O*

New §127.778(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year."

New §127.778(a)(1) was added to read, "No later than August 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.778(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years."

New §127.778(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

New §127.779(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year."

New §127.779(a)(1) was added to read, "No later than August 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.779(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years."

New §127.779(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

New §127.780(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year."

New §127.780(a)(1) was added to read, "No later than August 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available

to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.780(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years."

New §127.780(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Subsection §127.780(b) was amended by moving the phrase "Biotechnology I," after the phrase "one credit in chemistry" and inserting the sentence "This course satisfies a high school science graduation requirement." The word "students" would be added before the phrase "shall be awarded."

New §127.781(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year."

New §127.781(a)(1) was added to read, "No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.781(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years."

New §127.781(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

The student expectation in §127.781(d)(11)(F) was amended by inserting the word "engineering" before the word "methods."

New §127.782(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year."

New §127.782(a)(1) was added to read, "No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.782(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented begin-



ning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years."

New §127.782(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.782(b) was amended by inserting the phrase ", and at least one credit in a course from the science, technology, engineering, and mathematics career cluster" to the prerequisites for the course.

New §127.785(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year."

New §127.785(a)(1) was added to read, "No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.785(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years."

New §127.785(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

Section 127.785(b) was amended by inserting the phrase ", and at least one credit in a Level 2 or higher course in the science, technology, engineering, and mathematics career cluster" to the prerequisites for the course and striking the phrase, "Recommended prerequisites: two credits from the Science, Technology, Engineering, and Mathematics (STEM) Career Cluster."

New §127.786(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year."

New §127.786(a)(1) was added to read, "No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.786(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years."

New §127.786(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

New §127.787(a) was added to read, "Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year."

New §127.787(a)(1) was added to read, "No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section."

New §127.787(a)(2) was added to read, "If the commissioner makes the determination that instructional materials funding has been made available this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years."

New §127.787(a)(3) was added to read, "If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year."

The SBOE approved the proposed new sections for first reading and filing authorization at its September 3, 2021 meeting and for second reading and final adoption at its November 19, 2021 meeting.

In accordance with TEC, §7.102(f), the SBOE approved the new sections for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2022-2023 school year. The earlier effective date will enable districts to begin preparing for implementation of the revised CTE TEKS. The effective date is 20 days after filing as adopted with the Texas Register.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began October 8, 2021, and ended at 5:00 p.m. on November 12, 2021. The SBOE also provided an opportunity for registered oral and written comments at its November 2021 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of the public comments received and corresponding responses.

Comment. One teacher stated that recommended prerequisites for proposed new §127.321, Extended Practicum in Early Learning, should include the Human Growth and Development course because the course covers more age ranges than the Child Development course.

Response. The SBOE disagrees and has determined that the recommended prerequisites for proposed new §127.321 were appropriate as proposed.

Comment. One teacher stated that suggestions for new textbooks that correspond to the new CTE TEKS would be helpful because current textbooks for revised courses such as §127.316, Principles of Education and Training, do not cover coursework added for the early learning program of study.

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

Comment. Four teachers and one community member expressed support for including proposed new §127.786, Introduction to Computer-Aided Design and Drafting, and §127.787, Intermediate Computer-Aided Design and Drafting, in the engineering program of study.

Response. The SBOE agrees and took action to adopt §127.786 and §127.787 as proposed.

Comment. One teacher expressed concern regarding the proposed new TEKS for §127.652, Forensic Science, due to the inclusion of outdated standards, the lack of updated material, and the missed opportunity to include the field of computer forensics.

Response. The SBOE disagrees and took action to adopt §127.652. The SBOE has determined that the new TEKS appropriately update the standards to stay current with common methodology. In response to other comments, the SBOE made additional revisions to the course.

Comment. One teacher recommended the deletion of the student expectation in §127.652(c)(19)(B) because blood types are pointless and not useful.

Response. The SBOE disagrees that the suggested change is necessary and has determined that the student expectation in §127.652(c)(19)(B) was appropriate as proposed.

Comment. One teacher recommended the deletion of the student expectation in §127.652(c)(12)(B) because crude burning techniques have been replaced with more advanced equipment and would never be used to identify fabric in today's labs.

Response. The SBOE disagrees and has determined that the student expectation in §127.652(c)(12)(B) is appropriately included. However, in response to other comments, the SBOE took action to amend §127.652(c)(12)(B) at adoption to read, "perform the analysis of hair and fiber evidence using forensic science methods such as microscopy and flame testing."

Comment. One teacher expressed concern with knowledge and skills statement in §127.652(c)(12) because the use of hair, fiber, and fabric evidence is very limited in its reliability in court.

Response. The SBOE disagrees and has determined that §127.652(c)(12) was appropriate as proposed.

Comment. One counselor stated that consolidating all CTE courses into 19 TAC Chapter 127 provides clarity for districts because all the CTE courses will now be under one chapter.

Response. The SBOE agrees and took action to approve proposed new 19 TAC Chapter 127, Subchapter G, §§127.317, 127.318, and 127.323, and Subchapter O, §127.783 and §127.784.

Comment. One community member stated that climate changes have occurred that cannot be turned back and because of this, students need to be prepared for a changing workforce. The commenter expressed the need for a habitable planet to live on and teaching students how to feed and preserve the planet.

Response. The SBOE disagrees and has determined that the requested content is not relevant to the courses included in this adoption.

Comment. One counselor recommended that the middle school courses, §127.2, Investigating Careers, and §127.3, College and Career Readiness, should be removed from 19 TAC Chapter 127 and allowed to be taught by any certified teacher to reduce hardships in finding middle school teachers with CTE certifications. The commenter stated that these courses are general research classes and their content is not specialized to any particular CTE certification.

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

## SUBCHAPTER G. EDUCATION AND TRAINING

### 19 TAC §§127.316, 127.319 - 127.321, 127.324 - 127.326

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to by rule identify 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; TEC, §28.002(n), which allows the SBOE to by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technical education (CTE) curriculum required in TEC, §28.002; TEC, §28.002(o), which requires the SBOE to determine that at least 50% of the approved CTE courses are cost effective for a school district to implement; TEC, §28.025(a), which requires the SBOE by rule to determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002; TEC, §28.025(b-2), which requires the SBOE by rule to allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under TEC, §28.025(b-1)(2), or the third and fourth science credits under TEC, §28.025(b-1)(3), by successfully completing a CTE course designated by the SBOE as containing substantially similar and rigorous content; and TEC, §28.025(b-17), which requires the SBOE by rule to ensure that a student may comply with curriculum requirements under TEC, §28.025(b-1)(6), by successfully completing an advanced CTE course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2) and (b-17).

§127.316. *Principles of Education and Training (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.

(1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 9 and 10. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Education and Training Career Cluster focuses on planning, managing, and providing education and training services and related learning support services.

(3) Principles of Education and Training is designed to introduce learners to the various careers within the Education and Training Career Cluster. Students use self-knowledge as well as educational and career information to analyze various careers within the Education and Training Career Cluster. Students are introduced to societal influences of education and various school models. Additionally, students learn the role and responsibilities of a classroom educator. Students will develop a graduation plan that leads to a specific career choice in the student's interest area.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills required by the education profession and related occupations. The student is expected to:

- (A) demonstrate written communication skills;
- (B) perform job-appropriate numerical and arithmetic applications;
- (C) practice various forms of communication such as verbal and non-verbal communication used in educational and career settings;
- (D) exhibit teamwork skills;
- (E) analyze the impact of current decision making on short- and long-term career plans;
- (F) identify and implement problem-solving techniques;
- (G) identify conflict-management skills;

(H) describe effective leadership skills;

(I) describe productive work habits such as being organized, managing time, and taking initiative;

(J) demonstrate professionalism, including appropriate attire expected of professionals in educational settings; and

(K) identify effective work ethic practices.

(2) The student identifies strategies that promote health and wellness to address the unique challenges of educators in balancing work and personal responsibilities. The student is expected to:

(A) explain common signs of stress and anxiety;

(B) describe appropriate boundaries for a healthy work-life balance;

(C) discuss the impacts of an education career on personal lifestyle such as impacts on time, earning potential, community presence and involvement, health and wellness, and family;

(D) describe appropriate boundaries for a healthy work-life balance; and

(E) discuss strategies to manage health and wellness.

(3) The student recognizes the impact of social media and web-based applications on the education process. The student is expected to:

(A) demonstrate appropriate use of social media for educational purposes; and

(B) identify web-based resources that can be used in the education process.

(4) The student investigates the range of employment opportunities in the education and training field. The student is expected to:

(A) identify and investigate career opportunities in education and training;

(B) investigate additional occupations in education and training such as professional support services, administration, county extension agent, and corporate trainer;

(C) compare transferable skills among a variety of careers in education and; and

(D) analyze results from personal assessments such as how results from career interest and ability inventories relate to skills necessary for success in education and training occupations.

(5) The student explains societal impacts on the education and training field. The student is expected to:

(A) investigate trends or issues that have influenced the development of education across the United States such as historical, societal, cultural, and political trends and issues;

(B) explain pedagogy and andragogy theory;

(C) predict the education and training job market using information from sources such as labor market information, technology, and societal or economic trends; and

(D) summarize the role of family/caregiver in education.

(6) The student describes the characteristics of different educational and training environments. The student is expected to:

(A) summarize the various roles and responsibilities of professionals in teaching and training and early learning, including demonstrating ethical behavior in educational settings;

(B) describe different types of schools in urban and rural areas and public and private schools such as academies, Montessori, charter, and magnet schools;

(C) compare teacher salary schedules among different school models such as public, private, and charter schools within rural and urban areas of the state;

(D) discuss factors, including stipends, state and school district initiatives, and level of education, that can impact earning potential; and

(E) identify various sources for information related to education careers such as requirements to become a teacher, curriculum standards, and the structures and roles of state and federal governing bodies in education.

(7) The student experiences authentic education and training opportunities. The student is expected to:

(A) observe educator duties and responsibilities through activities such as assisting, shadowing, or observing;

(B) develop and evaluate instructional materials such as visuals, teacher aids, manipulatives, lessons, and lesson plans;

(C) define lesson plan components, including objectives, direct instruction, guided practice, independent practice, and formative and summative assessments;

(D) identify and discuss methods to adapt lessons to meet student needs; and

(E) identify a personal set of beliefs related to education in preparation for developing a philosophy of education.

(8) The student identifies elements of an effective classroom environment. The student is expected to:

(A) use available classroom equipment and technology for effective instruction;

(B) analyze effective tools used in classroom management such as classroom expectations, seating charts, classroom set-up, procedures and routines, and teacher organization and preparation;

(C) explain characteristics of an effective learning environment, including universally accessible classroom design;

(D) analyze positive behavior intervention techniques, including restorative practices; and

(E) develop a differentiated lesson plan that includes scaffolding for all levels of learners.

(9) The student analyzes the education and training requirements for a career in an area of interest. The student is expected to:

(A) investigate degree plans or training alternatives for various occupations within teaching and training and early learning;

(B) develop a graduation plan that leads to a specific career choice in the area of interest;

(C) investigate and identify high school and dual enrollment opportunities related to education and training careers;

(D) investigate and identify scholarships, grants, and financial incentives related to interest areas in education and training;

(E) identify and compare technical and community college programs that align with interest areas in education and training; and

(F) identify and compare university programs and institutions that align with interest areas in education and training.

(10) The student documents technical knowledge and skills related to education and training. The student is expected to:

(A) assemble basic professional portfolio components such as basic resume, samples of work, service-learning logs, assessment results, and mock scholarship applications; and

(B) present a portfolio to interested stakeholders such as teachers, school administrators, career and technical education administrators, curriculum specialists, or human resources personnel.

(11) The student understands how classroom observations (video or in person) inform and improve instruction. The student is expected to:

(A) apply knowledge gained in the course to conduct targeted observations;

(B) record objective observations of student behavior and teacher interactions;

(C) explain how observations can influence philosophy of education and delivery of instruction; and

(D) identify qualities of an effective classroom through classroom observation.

§127.319. *Child Development Associate Foundations (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisites: Principles of Education and Training or Principles of Human Services. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Education and Training Career Cluster focuses on planning, managing, and providing education and training services and related learning support services.

(3) The Child Development Associate Foundations course is a laboratory course addressing the knowledge and skills related to applying Child Development Associate Competency Standards in early childhood environments and understanding how these competencies help young children move with success from one developmental stage to the next.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student identifies professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate effective written communication;

(B) practice various forms of communication such as verbal and non-verbal communication skills used in education and career settings;

(C) apply decision-making skills;

(D) identify and exhibit characteristics of professionalism; and

(E) develop effective work ethic practices.

(2) The student understands the need for establishing a safe, healthy learning environment for young children. The student is expected to:

(A) describe a safe physical setting for an indoor classroom environment;

(B) describe a safe physical setting for an outdoor play environment;

(C) compare and contrast the learning environments for childcare settings such as preschool, infant-toddler, family childcare, and home visitor environments;

(D) identify practices that promote health and prevent illness in an early childhood classroom; and

(E) identify components of a learning environment that promotes engagement, play, exploration, and learning of all children, including children with special needs.

(3) The student recognizes the importance of advancing each child's physical and intellectual competence in the early childhood classroom through a variety of developmentally appropriate equipment, learning experiences, and teaching strategies. The student is expected to:

(A) analyze the methods for promoting physical development in young children;

(B) investigate strategies for promoting cognitive development in young children;

(C) investigate techniques for promoting language and early literacy in young children, including dual-language learners; and

(D) investigate and explain reasons for promoting creative expression and creative abilities in young children.

(4) The student analyzes social and emotional development in young children. The student is expected to:

(A) summarize the value of developing a warm, positive, supportive, and responsive relationship with each child;

(B) explain the value of helping each child learn about and take pride in the child's individual and cultural identity;

(C) research and explain the significance of helping each child function effectively in a group setting, express feelings, and acquire social skills; and

(D) identify and discuss adverse childhood experiences and their potential impact.

(5) The student discusses the need for providing positive guidance in an early childhood classroom. The student is expected to:

(A) summarize the importance of a classroom management plan;

(B) explain the importance of positively addressing challenging behaviors; and

(C) compare various positive guidance techniques.

(6) The student describes the benefits of objective observations and assessments of young children in the early childhood classroom. The student is expected to:

(A) investigate and compare various observation tools and strategies;

(B) analyze how observations impact curriculum planning and individualized teaching; and

(C) describe how objective observations are used to build productive relationships with families.

(7) The student examines the importance of positive and productive relationships with families of young children. The student is expected to:

(A) investigate and describe different family structures;

(B) describe ways to establish partnerships with families; and

(C) describe methods for effectively communicating with families.

(8) The student analyzes the components of operating an effective, professional early childhood program. The student is expected to:

(A) discuss the importance of establishing and maintaining professional relationships within an early childhood program;

(B) research various techniques for navigating disagreements or conflicts between personnel of an early childhood program;

(C) investigate the qualities of teaching with intentionality; and

(D) explain the importance of advocating for early childhood education.

(9) The student documents technical knowledge and skills. The student is expected to:

(A) assemble professional portfolio components such as a resume, samples of learning experiences, service-learning log, and assessment results; and

(B) present the portfolio to interested stakeholders such as industry professionals, parents, community members, campus teachers and administrators, and peers.

§127.320. *Practicum in Early Learning (Two Credits), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.

(1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grade 12. Prerequisite: Child Guidance. Recommended prerequisites: Child Development or Child Development Associate Foundations. Students shall be awarded two credits for successful completion of this course. A student may repeat this course once for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Education and Training Career Cluster focuses on planning, managing, and providing education and training services and related learning support services.

(3) Practicum in Early Learning is a field-based course that provides students background knowledge of early childhood development principles as well as principles of effective teaching and training practices. Students in the course work under the joint direction and supervision of both a teacher facilitator and an exemplary industry professional. Students learn to plan and direct individualized instruction and group activities, prepare instructional materials, assist with record keeping, make physical arrangements, and complete other responsibilities of early learning teachers, trainers, paraprofessionals, or other educational personnel.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate advanced written communication skills;

(B) perform job-appropriate mathematical applications;

(C) demonstrate appropriate forms of communication such as verbal and non-verbal communication used in educational and career settings;

(D) promote and exhibit teamwork skills;

(E) analyze and apply decision-making skills;

(F) implement problem-solving techniques effectively;

(G) analyze and demonstrate conflict-management skills;

(H) assess personal leadership skills;

(I) describe and demonstrate professionalism, including time-management skills; and

(J) analyze and demonstrate effective work ethic practices.

(2) The student explores the early childhood education profession. The student is expected to:

(A) analyze current trends and issues that impact early childhood education such as political, societal, and economic trends and issues;

(B) analyze qualities of effective early childhood education professionals and programs;

(C) develop a written summary of professional beliefs and values about early childhood education, how young children learn, and the role of an early educator;

(D) explore the educational and academic requirements and possible degrees and certifications available in early childhood education;

(E) develop and refine a personal career plan in preparation for a career in the field of early childhood development or education;

(F) explore and identify early childhood development or education opportunities in non-traditional settings such as those in corporations, community outreach programs, nonprofits, and government entities; and

(G) explore educational high-needs and teacher-specialty areas such as special education and bilingual and English as a second language education programs.

(3) The student understands the learner and learning process. The student is expected to:

(A) apply and reflect on the application of principles and theories of human development appropriate to early learning situations;

(B) apply and reflect on the application of principles and theories about the learning process to specific early learning situations;

(C) analyze the dynamics of educator and student behaviors that facilitate the early learning process;

(D) analyze teaching skills that facilitate the early learning process and document field-learning experiences; and

(E) demonstrate and evaluate effective instructional practices to accommodate diversity such as learning differences, learner exceptionality, and special-needs considerations.

(4) The student plans and implements effective instruction. The student is expected to:

(A) demonstrate and evaluate techniques promoting early childhood growth and development skills such as language, literacy, numeracy, motor learning, and cross-disciplinary content areas;

(B) develop age-appropriate lesson plans and instructional materials that align to student learning goals;

(C) evaluate the effectiveness of lesson plans and instructional strategies; and

(D) explain how learner and professional feedback is used to guide selection and adjustment of instructional strategies.

(5) The student creates and maintains an effective learning environment. The student is expected to:

(A) create and maintain a safe and an effective learning environment;

(B) integrate teacher or trainer practices that promote an effective learning environment;

(C) apply classroom management techniques that promote an effective learning environment; and

(D) demonstrate specific conflict-management and mediation techniques supportive of an effective learning environment.

(6) The student assesses instruction and learning. The student is expected to:

(A) develop and apply formal and informal assessments to track and monitor student learning and progress; and

(B) analyze assessment data to inform and modify instruction.

(7) The student understands the relationship between school, families, and community in early learning. The student is expected to:

(A) select family services and school and community resources to promote student growth;

(B) promote learning and build support through positive school partnership activities with stakeholders such as families, schools, communities, and business/industry; and

(C) collaborate with professional early learning community members to meet the needs of students and families.

(8) The student develops technology skills appropriate for effectively supporting students in the classroom. The student is expected to:

(A) utilize a variety of assistive technologies that are age-appropriate for specific student learning needs, including for early learners with special needs; and

(B) integrate various educational technologies as tools for instruction, evaluation, communication, and management.

(9) The student understands the professional, ethical, and legal responsibilities of early childhood professionals. The student is expected to:

(A) demonstrate and evaluate effective interaction skills with stakeholders such as students, educators, parents/guardians, community members, and other professionals;

(B) analyze professional and ethical standards that apply to early childhood professionals; and

(C) analyze situations requiring decisions based on professional, ethical, and legal considerations.

(10) The student explores the need and opportunities for continued professional development for early education professionals. The student is expected to:

(A) identify strategies and resources for the professional development of early education professionals such as research and assessment; and

(B) create a plan for professional career growth, including short-term and long-term goals.

(11) The student understands facility operations, including nutrition, program management, and safety guidelines. The student is expected to:

(A) explain the importance of accurate record maintenance such as personnel, student, incident, and facility documentation;

(B) create a meal plan that promotes good nutrition and wellness;

(C) explain the importance of allocation of facility resources and budget management; and

(D) explain the importance of safety procedures and regulations.

(12) The student continues to participate in field-based experiences in early childhood settings. The student is expected to:

(A) apply instructional strategies and concepts within a local educational or training facility; and

(B) document, assess, and reflect on instructional experiences.

(13) The student documents technical knowledge and skills. The student is expected to:

(A) gather artifacts and documentation that support attainment of technical skill competencies;

(B) update a professional portfolio to include components such as a resume, samples of work, service-learning log, recognitions, awards, scholarship essays, letters of recommendation, certifications, evaluations, and Child Development Associate (CDA) requirements; and

(C) present a portfolio to interested stakeholders.

*§127.321. Extended Practicum in Early Learning (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.

(1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grade 12. Prerequisite: Child Guidance. Recommended prerequisites: Child Development or Child Development Associate Foundations. Corequisite: Practicum in Early Learning. This course must be taken concurrently with Practicum in Early Learning and may not be taken as a stand-alone course. Students shall be awarded one credit for successful completion of this course. A student may repeat this course once for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Education and Training Career Cluster focuses on planning, managing, and providing education and training services and related learning support services.

(3) Extended Practicum in Early Learning is a field-based internship that provides students background knowledge of early childhood development principles as well as principles of effective teaching and training practices. Students in the course work under the joint direction and supervision of both a teacher facilitator and an exemplary industry professional. Students learn to plan and direct individualized instruction and group activities, prepare instructional materials, assist with record keeping, make physical arrangements, and complete other responsibilities of early learning teachers, trainers, paraprofessionals, or other educational personnel.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) participate in a paid or unpaid, laboratory- or work-based application of previously studied knowledge and skills related to early childhood education professions;

(B) participate in training, education, or preparation for licensure, certification, or other relevant credentials to prepare for employment;

(C) demonstrate professional standards and personal qualities needed to be employable such as leadership, appreciation of diversity, conflict-management, work ethic, and adaptability with increased fluency;

(D) demonstrate technology applications skills such as effective use of social media, email, internet, publishing tools, presentation tools, spreadsheets, or databases with increased fluency to enhance work products; and

(E) employ planning and time-management skills and tools with increased fluency to enhance results and complete work tasks.

(2) The student applies professional communications strategies. The student is expected to:

(A) demonstrate verbal and non-verbal communication consistently in a clear, concise, and effective manner;

(B) present information formally and informally;

(C) analyze, interpret, and communicate information; and

(D) apply active listening skills to obtain and clarify information.

(3) The student implements advanced problem-solving methods. The student is expected to employ critical-thinking skills with increased fluency both independently and in groups to solve problems and make decisions.

(4) The student understands the professional, ethical, and legal responsibilities in early childhood education professions. The student is expected to:

(A) demonstrate a positive, productive work ethic by performing assigned tasks as directed;

(B) show integrity by choosing the ethical course of action when making decisions;

(C) demonstrate proper etiquette and knowledge of acceptable-use policies when using networks, especially resources on the internet and intranet; and

(D) comply with all applicable rules, laws, and regulations in a consistent manner.

(5) The student continues to participate in field-based experiences in early childhood education and education and training professions. The student is expected to:

(A) apply instructional strategies and concepts with increased fluency within a local educational or training facility;

(B) apply principles and theories that impact instructional planning;

(C) develop curriculum and related materials to support instruction that aligns with current child development industry standards;

(D) demonstrate competency in foundation and enrichment subject areas;



- (E) create lesson plans that meet instructional goals;
- (F) document, assess, and reflect on instructional experiences; and
- (G) collect representative work samples.

*§127.324. Communication and Technology in Education (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection (a), the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Education and Training. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Education and Training Career Cluster focuses on planning, managing, and providing education and training services and related learning support services.

(3) Communication and Technology in Education is an extended course of study designed to provide students with the fundamentals of planning, managing, and training services needed to provide learning support services in Kindergarten-Grade 12 classrooms. Students will develop knowledge and skills regarding the professional, ethical, and legal responsibilities in teaching related to educational technology; students will also understand laws and pedagogical justifications regarding classroom technology use. Students will develop knowledge of developmentally appropriate practice for age level when technology is used by learners. This course provides an opportunity for students to participate in training related to standards set by the International Society for Technology in Education.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

- (A) demonstrate written communication skills;
- (B) perform job-appropriate numerical and arithmetic application;
- (C) practice various forms of communication such as verbal and non-verbal communication skills used in educational and career settings;
- (D) exhibit teamwork skills;
- (E) apply decision-making skills;
- (F) identify and implement problem-solving techniques;
- (G) describe conflict-management skills;
- (H) describe and demonstrate professionalism;
- (I) describe effective work ethic practices;
- (J) demonstrate appreciation for diversity;
- (K) participate in training, education, or certification for employment;
- (L) demonstrate skills related to seeking and applying for employment; and
- (M) create a resume and cover letter to document information such as work experience, licenses, certifications, and work samples.

(2) The student understands the professional, ethical, and legal responsibilities when communicating in the educational field. The student is expected to:

- (A) apply communication standards that promote professional, ethical, and legal conduct;
- (B) identify times when communication between school and parents/community is necessary;
- (C) distinguish between appropriate and inappropriate uses of social media and other communication platforms and methods; and
- (D) cite sanctions and consequences for educator misconduct such as those stemming from inappropriate relationships.

(3) The student understands multiple forms of communication necessary for effective teaching. The student is expected to:

- (A) demonstrate effective verbal communication skills with various stakeholders such as students, educators, parents/guardians, community members, and other professionals;
- (B) demonstrate active listening skills to obtain and clarify information;
- (C) identify various forms of digital communication for educators such as email, blogs, wikis, podcasts, vlogs, digital streaming, infographics, digital portfolios, or social media;
- (D) construct effective and professional electronic communication with parents and stakeholders such as newsletters, emails, and websites;
- (E) demonstrate effective professional collaboration and communication such as participation in professional learning communities, peer-coaching, and mentoring;

(F) demonstrate effective student-teacher communication such as assignment feedback and one-on-one interaction;

(G) facilitate effective student group work and multiple strategies for student engagement; and

(H) differentiate between approaches to communication based on student needs, including considerations for special populations and nonverbal communication.

(4) The student applies digital literacy concepts to communication with students and stakeholders. The student is expected to:

(A) apply digital literacy practices in communications to students and stakeholders such as desktop publishing, elements of art and design, and design thinking;

(B) demonstrate appropriate search strategies for finding resources on the internet such as Boolean searches;

(C) compare various digital media technologies such as digital books, databases, websites, interactive games, and digital videos; and

(D) evaluate and select appropriate software for specific purposes such as communication and research.

(5) The student evaluates technology and applications for classroom use. The student is expected to:

(A) demonstrate understanding of laws regarding classroom technology use such as Family Educational Rights and Privacy Act (FERPA), Children's Online Privacy Protection Act (COPPA), end-user license agreements (EULAs), and age restrictions;

(B) apply laws related to the legal use of electronic materials such as copyright, fair use, public domain, and open source;

(C) evaluate usage of classroom technology using a model such as substitution augmentation modification redefinition (SAMR) and technological pedagogical content knowledge (TPaCK);

(D) describe methods for approval of technology use in the district such as inventorying, licensing, and budgeting; and

(E) identify classroom management strategies appropriate for technology use in the classroom.

(6) The student creates engaging lessons and lesson plans incorporating technology. The student is expected to:

(A) analyze the relationship between technology and student engagement in the classroom;

(B) design learning experiences that incorporate 21st century learning skills such as creativity, collaboration, critical thinking, communication, and resiliency;

(C) create lessons using different types of technology such as presentation software, spreadsheet software, image editing software, video creation software, polling software, and word processing software;

(D) apply technology to assess student learning at the beginning of, during, and at the end of a lesson;

(E) design authentic learning experiences that align with content-area Texas Essential Knowledge and Skills and use technology to maximize active, deep learning across grade levels to show appropriate use based on age;

(F) create an interactive lesson that utilizes appropriate technology; and

(G) create a differentiated lesson that incorporates the appropriate use of technology.

§127.325. *Instructional Practices (Two Credits), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.

(1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: At least one credit in a course from the education and training career cluster. Recommended prerequisites: Principles of Education and Training, Human Growth and Development, or Child Development. Students shall be awarded two credits for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Education and Training Career Cluster focuses on planning, managing, and providing education and training services and related learning support services.

(3) Instructional Practices is a field-based (practicum) course that provides students with background knowledge of child and adolescent development as well as principles of effective teaching and training practices. Students work under the joint direction and supervision of both a teacher with knowledge of early childhood, middle childhood, and adolescence education and exemplary educators or trainers in direct instructional roles with elementary-, middle school-, and high school-aged students. Students learn to plan and direct individualized instruction and group activities, prepare instructional materials, develop materials for educational environments, assist with record keeping, and perform other duties of teachers, trainers, paraprofessionals, or other educational personnel.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by the education profession and other related occupations. The student is expected to:

- (A) demonstrate written communication;
- (B) perform job-appropriate numerical and arithmetic application;
- (C) practice various forms of communication such as verbal and non-verbal communication skills and appropriate uses of social media in educational and career settings;
- (D) exhibit teamwork skills;
- (E) apply decision-making skills;
- (F) implement problem-solving techniques;
- (G) acquire conflict-management skills;
- (H) develop leadership skills;
- (I) demonstrate professionalism to include appropriate attire expected of professionals in educational settings; and
- (J) develop effective work ethic practices.

(2) The student identifies strategies that promote health and wellness by balancing the unique challenges of being an educator with personal responsibilities. The student is expected to:

- (A) identify signs of personal stress and anxiety;
- (B) choose appropriate boundaries for a healthy work-life balance; and
- (C) implement strategies to manage health and wellness.

(3) The student explores the teaching and training profession. The student is expected to:

- (A) demonstrate an understanding of the historical foundations of education and training in the United States;
- (B) summarize and apply acquired pedagogical knowledge and skills needed by teaching and training professionals;
- (C) identify qualities of effective schools;
- (D) discuss non-traditional settings for teaching and training careers such as those in corporations, community outreach programs, nonprofits, and government entities; and
- (E) formulate a professional philosophy of education based on a personal set of beliefs.

(4) The student understands the learner and the learning process. The student is expected to:

- (A) relate and implement principles and theories of human development to teaching and training situations;
- (B) relate and implement principles and theories about the learning process to teaching and training situations;
- (C) demonstrate and implement behaviors and skills that facilitate the learning process;
- (D) explain the relationship between effective instructional practices and providing support for learning differences, learner exceptionality, and learners with special needs;
- (E) evaluate backgrounds, strengths, and skills of students when planning instruction; and

(F) demonstrate techniques for developing effective relationships with students that foster mutual respect and rapport and result in effective instruction.

(5) The student interacts effectively in the role of an educator. The student is expected to:

- (A) demonstrate effective interaction skills with stakeholders such as students, educators, parents/guardians, community members, and other professionals;
- (B) demonstrate methods for promoting stakeholder partnerships in improving educational outcomes; and
- (C) describe the procedure for handling and reporting physical or emotional abuse.

(6) The student plans and develops effective instruction. The student is expected to:

- (A) explain the role of the Texas Essential Knowledge and Skills in planning and evaluating instruction;
- (B) explain the rationale for having a fundamental knowledge of the subject matter in order to plan, prepare, and deliver effective instruction;
- (C) explain the rationale for and process of instructional planning components such as vertical alignment and scope and sequence;
- (D) describe principles and theories that impact instructional planning;
- (E) create clear short-term and long-term learning objectives that are developmentally appropriate for students; and
- (F) demonstrate lesson planning to meet instructional goals.

(7) The student creates an effective learning environment. The student is expected to:

- (A) describe and implement a safe and an effective learning environment that incorporates the principles of universal design;
- (B) analyze and evaluate strategic student grouping techniques that result in effective instruction;
- (C) demonstrate teacher and trainer practices that promote an effective learning environment;
- (D) evaluate materials and equipment to determine age and grade level appropriateness and to meet the needs of diverse learners;
- (E) identify classroom management techniques that promote an effective learning environment; and
- (F) demonstrate communication, conflict-management, and mediation techniques supportive of an effective learning environment.

(8) The student assesses teaching and learning. The student is expected to:

- (A) describe the role of assessment as part of the learning process;
- (B) create assessments to measure student learning;
- (C) analyze the assessment process;
- (D) use appropriate assessment strategies in an instructional setting; and

(E) use assessment data to evaluate and revise lesson plans.

(9) The student understands the relationship between school and society. The student is expected to:

(A) explain the relationship between school and society;

(B) recognize and use resources for professional growth such as family, school, and community resources; and

(C) collaborate with stakeholders such as family, school, and community to promote learning.

(10) The student develops technology skills. The student is expected to:

(A) describe the role of technology in the instructional process;

(B) use technology applications appropriate for specific subject matter and student needs; and

(C) demonstrate skillful use of technology as a tool for instruction, evaluation, and management.

(11) The student understands the professional, ethical, and legal responsibilities in teaching and training. The student is expected to:

(A) describe teacher and trainer practices that promote professional and ethical conduct;

(B) analyze professional and ethical standards that apply to educators and trainers;

(C) analyze situations requiring decisions based on professional, ethical, and legal considerations; and

(D) analyze expected effects of compliance and non-compliance with the Code of Ethics and Standard Practices for Texas Educators.

(12) The student participates in field-based experiences in education and training. The student is expected to:

(A) apply instructional strategies and concepts within a local educational or training facility; and

(B) document, assess, and reflect on instructional experiences.

(13) The student documents technical knowledge and skills. The student is expected to:

(A) update professional portfolio components such as resume, samples of work, service-learning log, assessment results, and mock scholarship applications; and

(B) present the portfolio to interested stakeholders.

(14) The student demonstrates the knowledge and skills needed to provide meaningful, specific, and timely feedback to students, families, and other school personnel on the growth of students in relation to classroom goals while maintaining student confidentiality. The student is expected to:

(A) explain the role feedback plays in the learning process;

(B) provide guidance and feedback to motivate student behavior and outcomes;

(C) demonstrate methods of providing feedback to students such as checklists, classroom processes, and written documentation;

(D) demonstrate methods of accepting and reflecting on feedback to determine plans for improvement of educational outcomes; and

(E) apply questioning strategies to facilitate student discussion.

(15) The student demonstrates knowledge and understanding of teacher responsibility with regard to accommodations and modifications for students with special needs. The student is expected to:

(A) identify the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973;

(B) explain the structure and components of an individualized education program (IEP);

(C) explain the structure and components of a Section 504 Plan; and

(D) compare accommodations and modifications for students with special needs.

(16) The student demonstrates proper record-keeping strategies needed by teachers to demonstrate evidence of student progress. The student is expected to:

(A) understand and demonstrate the use of learning management systems and record-keeping tools;

(B) outline school district policies related to teacher record keeping; and

(C) identify the essential components of behavioral and academic records according to state and school district policy.

(17) The student uses standard observation techniques to observe a variety of educational settings. The student is expected to:

(A) evaluate teaching styles, learning environments, and classroom management utilizing observation checklists or other observation and evaluation tools; and

(B) use observation and evaluation reports to reflect on teaching practices and develop strategies for improvement.

(18) The student assesses the benefits of how a mentor relationship impacts a teaching career. The student is expected to:

(A) recognize the benefits of a mentor relationship such as increased teacher retention, mentor guidance, and coaching; and

(B) seek out and foster mentorship opportunities.

(19) The student analyzes teacher employment requirements and professional growth opportunities for those in the education profession such as required education and certification. The student is expected to:

(A) describe required education needed to become a certified teacher;

(B) explain the steps for becoming a certified teacher in Texas;

(C) compare certification requirements for various content and grade level areas of interest; and

(D) identify various financial aid sources available for teacher candidates such as scholarships, student loans, and student loan forgiveness options once certified.

§127.326. *Practicum in Education and Training (Two Credits), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.

(1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grade 12. Prerequisite: Instructional Practices. Recommended prerequisites: Principles of Education and Training, Human Growth and Development, and Child Development. Students shall be awarded two credits for successful completion of this course. A student may repeat this course once for credit provided that the student is experiencing different aspects of the industry and demonstrating proficiency in additional and more advanced knowledge and skills.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Education and Training Career Cluster focuses on planning, managing, and providing education and training services and related learning support services.

(3) Practicum in Education and Training is a field-based course that provides students background knowledge of child and adolescent development principles as well as principles of effective teaching and training practices. Students in the course work under the joint direction and supervision of both a teacher with knowledge of early childhood, middle childhood, and adolescence education and exemplary educators in direct instructional roles with elementary-, middle school-, and high school-aged students. Students learn to plan and direct individualized instruction and group activities, prepare instructional materials, assist with record keeping, make physical arrangements, and perform other duties of classroom teachers, trainers, para-professionals, or other educational personnel.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by teaching and training profession. The student is expected to:

(A) demonstrate advanced written communication skills;

(B) perform job-appropriate numerical and arithmetic application;

(C) demonstrate appropriate forms of communication such as verbal and non-verbal communication used in educational and career settings;

(D) promote and exhibit teamwork skills;

(E) analyze and apply decision-making skills;

(F) implement problem-solving techniques effectively;

(G) analyze and demonstrate conflict-management skills;

(H) assess personal leadership skills in education settings;

(I) describe and demonstrate professionalism; and

(J) analyze and demonstrate effective work ethic practices.

(2) The student analyzes strategies that promote health and wellness to address the unique challenges in balancing work and personal responsibilities for educators. The student is expected to:

(A) examine signs of personal stress and anxiety;

(B) describe and develop appropriate boundaries for a healthy work-life balance; and

(C) identify and implement strategies to manage health and wellness.

(3) The student explores the teaching and training field and profession. The student is expected to:

(A) analyze current trends and issues that impact education such as political, societal, and economic trends and issues;

(B) analyze practices of effective teaching and training professionals;

(C) analyze qualities of effective schools;

(D) develop a written summary of professional beliefs and values about education and training;

(E) determine the educational and academic requirements and possible degrees and certifications necessary for a profession of interest in teaching and training;

(F) refine a personal career plan in preparation for a career in the field of education or training;

(G) research and identify teaching and training opportunities in non-traditional settings such as those in corporations, community outreach programs, nonprofits, and government entities; and

(H) research and identify educational high-needs and teacher-shortage areas.

(4) The student understands the learner and learning process. The student is expected to:

(A) apply principles and theories of human development appropriate to specific teaching or training situations;

(B) apply principles and theories about the learning process to specific teaching or training situations;

(C) analyze the dynamics of educator and student behaviors that facilitate the learning process;

(D) analyze teaching skills that facilitate the learning process; and

(E) demonstrate and evaluate effective instructional practices to accommodate diversity such as learning differences, learner exceptionality, and special needs.

(5) The student interacts effectively in the role of an educator. The student is expected to:

(A) demonstrate and evaluate effective interaction skills with stakeholders such as students, educators, parents/guardians, community members, and other professionals; and

(B) demonstrate and evaluate techniques that promote literacy and numeracy.

(6) The student plans and uses effective instruction. The student is expected to:

(A) apply principles and theories that impact instructional planning;

(B) use lesson planning tools such as unit plans and scope and sequence and vertical alignment documents;

(C) develop instructional materials that align with the Texas Essential Knowledge and Skills;

(D) demonstrate competency in foundation and enrichment subject areas;

(E) apply research-based practices to create lessons plans that meet instructional goals;

(F) analyze the development of effective instructional strategies;

(G) evaluate and analyze effectiveness of lessons plans and instructional strategies used in a lesson or series of lessons; and

(H) explain how learner and professional feedback is used to guide selection and adjustment of instructional strategies.

(7) The student creates and maintains an effective learning environment. The student is expected to:

(A) apply principles of universal design to create and maintain a safe and effective learning environment;

(B) integrate teacher or trainer practices that promote an effective learning environment;

(C) apply classroom management techniques that promote an effective learning environment; and

(D) demonstrate specific conflict-management and mediation techniques supportive of an effective learning environment.

(8) The student assesses instruction and learning. The student is expected to:

(A) develop and apply formative and summative assessments to foster student learning;

(B) use assessment strategies to promote personal growth and teaching or training improvement;

(C) use self-reflection techniques to promote personal growth and teaching or training improvement; and

(D) use classroom and standardized test assessment data to drive instructional strategy.

(9) The student understands the relationship between school and society. The student is expected to:

(A) identify ways to support learning through advocacy;

(B) identify and select family, school, and community resources that support learning; and

(C) promote learning and build support through positive school partnership activities with stakeholders such as families, schools, communities, and business/industry.

(10) The student develops technology skills. The student is expected to:

(A) access and use current technology applications appropriate for specific subject matter and student needs; and

(B) integrate the use of technology as a tool for instruction, evaluation, and management effectively.

(11) The student understands the professional, ethical, and legal responsibilities in teaching and training. The student is expected to:

(A) analyze teacher and trainer practices that promote professional and ethical conduct;

(B) analyze professional and ethical standards that apply to educators and trainers;

(C) analyze situations requiring decisions based on professional, ethical, and legal considerations; and

(D) analyze potential consequences related to non-compliance with the Code of Ethics and Standard Practices for Texas Educators.

(12) The student explores the need and opportunities for continued professional development for educators and trainers. The student is expected to:

(A) identify strategies and resources for the professional development of educators or trainers such as research and assessment;

(B) demonstrate teacher or trainer practices that promote ongoing professional development and lifelong learning; and

(C) develop a plan for professional growth.

(13) The student participates in field-based experiences in education or training. The student is expected to:

(A) apply instructional strategies and concepts within a local educational or training facility; and

(B) document, assess, and reflect on instructional experiences.

(14) The student documents technical knowledge and skills. The student is expected to:

(A) gather artifacts and documentation that support attainment of technical skill competencies;

(B) update a professional portfolio to include components such as a resume, samples of work, service-learning logs, recognitions, awards, scholarship essays, letters of recommendation, certifications, and evaluations; and

(C) present a professional portfolio to interested stakeholders.

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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## SUBCHAPTER I. HEALTH SCIENCE

### 19 TAC §§127.417 - 127.433

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to by rule identify 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; TEC, §28.002(n), which allows the SBOE to by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technical education (CTE) curriculum required in TEC, §28.002; TEC, §28.002(o), which requires the SBOE to determine that at least 50% of the approved CTE courses are cost effective for a school district to implement; TEC, §28.025(a), which requires the SBOE by rule to determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002; TEC, §28.025(b-2), which requires the SBOE by rule to allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under TEC, §28.025(b-1)(2), or the third and fourth science credits under TEC, §28.025(b-1)(3), by successfully completing a CTE course designated by the SBOE as containing substantially similar and rigorous content; and TEC, §28.025(b-17), which requires the SBOE by rule to ensure that a student may comply with curriculum requirements under TEC, §28.025(b-1)(6), by successfully completing an advanced CTE course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2) and (b-17).

§127.417. *Medical Terminology (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 9-12. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostics services, health informatics, support services, and biotechnology research and development.

(3) The Medical Terminology course is designed to introduce students to the structure of medical terms, including prefixes, suffixes, word roots, singular and plural forms, and medical abbreviations. The course allows students to achieve comprehension of medical vocabulary appropriate to medical procedures, human anatomy and physiology, and pathophysiology.

(4) To pursue a career in the health science industry, students should learn to reason, think critically, make decisions, solve problems, and communicate effectively. Students should recognize that quality health care depends on the ability to work well with others.

(5) The health science industry is comprised of diagnostic, therapeutic, health informatics, support services, and biotechnology research and development systems that function individually and collaboratively to provide comprehensive health care. Students should identify the employment opportunities, technology, and safety requirements of each system. Students are expected to learn the knowledge and skills necessary to pursue a health science career through further education and employment.

(6) Professional integrity in the health science industry is dependent on acceptance of ethical and legal responsibilities. Students are expected to employ their ethical and legal responsibilities, recognize limitations, and understand the implications of their actions.

(7) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(8) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) express ideas in a clear, concise, and effective manner;

(B) exhibit the ability to cooperate, contribute, and collaborate as a member of a team; and

(C) exemplify professional work standards such as appearance, attire, time management, organizational skills, and responsibilities.

(2) The student recognizes the terminology related to the health science industry. The student is expected to:

(A) identify abbreviations, acronyms, and symbols related to the health science industry;

(B) recognize the incorrect use of abbreviations, acronyms, and symbols through review of The Joint Commission's "Do Not Use List";

(C) identify and define the component parts of medical words, including root, prefix, suffix, and combining vowels;

(D) practice word-building skills;

(E) research the origins of eponyms;

(F) recall directional terms and anatomical planes related to body structure;

(G) define and accurately spell occupationally specific terms such as those relating to the body systems, surgical and diagnostic procedures, diseases, and treatment; and

(H) use prior knowledge and experiences to understand the meaning of terms as they relate to the health science industry.

(3) The student demonstrates communication skills using the terminology applicable to the health science industry. The student is expected to:

(A) demonstrate appropriate verbal strategies such as correct pronunciation of medical terms and written strategies such as correct spelling in a variety of health science scenarios;

(B) employ increasingly precise language to communicate; and

(C) translate technical material related to the health science industry.

(4) The student examines available resources. The student is expected to:

(A) examine medical and dental dictionaries and multimedia resources;

(B) integrate resources to interpret technical materials; and

(C) investigate electronic and digital media with appropriate supervision.

(5) The student interprets medical abbreviations. The student is expected to:

(A) distinguish medical abbreviations used throughout the health science industry; and

(B) translate medical abbreviations in simulated technical material such as physician progress notes, radiological reports, and laboratory reports.

(6) The student appropriately translates health science industry terms. The student is expected to:

(A) interpret, transcribe, and communicate vocabulary related to the health science industry;

(B) translate medical terms to conversational language to facilitate communication;

(C) distinguish medical terminology associated with medical specialists such as geneticists, pathologists, and oncologists;

(D) summarize observations using medical terminology; and

(E) interpret contents of medical scenarios correctly.

§127.418. *Health Informatics (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.

(1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: Medical Terminology. Recommended prerequisites: Principles of Health Science and Business Information Management I. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) The Health Informatics course is designed to provide knowledge of one of the fastest growing areas in both academic and professional fields. Healthcare information technology has increased demand for information and health professionals who can effectively design, develop, and use technologies such as electronic medical records, patient monitoring systems, and digital libraries. This course will include a focus on billing and coding.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.



(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate verbal and non-verbal communication in a clear, concise, and effective manner;

(B) demonstrate adaptability skills such as problem solving and critical and creative thinking;

(C) develop a career plan;

(D) exhibit teamwork;

(E) create a job-specific resume; and

(F) exemplify professional work standards such as appearance, attire, time management, organizational skills, and responsibilities.

(2) The student interprets fundamental knowledge of concepts of health information systems technology and the tools for collecting, storing, and retrieving health care data. The student is expected to:

(A) discuss, define, and differentiate the common health information systems such as electronic medical records and electronic health records, practice management software, master patient index (MPI), patient portals, remote patient monitoring, and clinical decision support; and

(B) explain how various health information systems support the administrative, financial, clinical, and research needs of a health care enterprise.

(3) The student employs the various types of databases in relation to health informatics. The student is expected to:

(A) define the function of a database management system;

(B) identify the purpose of data modeling;

(C) define the customary steps in the data modeling process;

(D) differentiate between entities, attributes, and relationships in a data model; and

(E) explain various types of organizational databases.

(4) The student distinguishes between data and information. The student is expected to:

(A) discuss the importance of data security, accuracy, integrity, reliability, and validity; and

(B) demonstrate an understanding of data information concepts for health information systems, electronic health records, and patient registries.

(5) The student examines the evolution of the health information system. The student is expected to:

(A) evaluate the growing role of the electronic health record;

(B) review the progress of the development of the electronic health record;

(C) explain functional requirements for electronic health records; and

(D) explain the concept and importance of the interoperability of electronic health records and other health information systems.

(6) The student examines the process of medical diagnostic and coding concepts as well as current procedural practices. The student is expected to:

(A) examine Health Insurance Portability and Accountability Act (HIPAA) guidelines for confidentiality, privacy, and security of a patient's information within the medical record;

(B) differentiate between insurance fraud and insurance abuse;

(C) discuss the linkage between current procedural terminology (CPT) codes; International Classification of Diseases, 10th revision, Clinical Modification (ICD-10-CM) codes; and medical necessity for reimbursement for charges billed;

(D) search ICD-10-CM code system for correct diagnosis code using patient information;

(E) identify the two types of codes in the health care common procedure coding system (HCPCS); and

(F) explain how medical coding affects the payment process.

(7) The student identifies agencies involved in the health insurance claims process. The student is expected to:

(A) define fiscal intermediary;

(B) define Medicaid and Medicare;

(C) discuss health care benefit programs such as TRICARE and Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA);

(D) explain how to manage a worker's compensation case;

(E) complete a current health insurance claim form such as the Centers for Medicare and Medicaid Service (CMS-1500) form; and

(F) identify three ways to transmit electronic claims.

*§127.419. Healthcare Administration and Management (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.

(1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: Medical Terminology. Recommended prerequisites: Principles of Health Science and Business Information Management I. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) Healthcare Administration and Management is designed to familiarize students with the concepts related to healthcare administration as well as the functions of management, including planning, organizing, staffing, leading, and controlling. Students will also demonstrate interpersonal and project-management skills.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills required by the healthcare industry. The student is expected to:

(A) role play examples of effective written and oral communication in various scenarios such as customer service, marketing, and public relations;

(B) demonstrate collaboration skills through teamwork;

(C) demonstrate professionalism by conducting oneself in a manner appropriate for the profession and workplace;

(D) demonstrate a positive, productive work ethic by performing assigned tasks as directed;

(E) comply with all applicable rules, laws, and regulations; and

(F) demonstrate time-management skills by prioritizing tasks, following schedules, and tending to goal-relevant activities in a way that uses time wisely and optimizes efficiency and results.

(2) The student demonstrates an understanding of the healthcare management concept. The student is expected to:

(A) define the term healthcare management;

(B) explain the roles and responsibilities of healthcare professionals, including the management functions of planning, organizing, staffing, leading, and controlling;

(C) explain how organizational behavior and teamwork in healthcare impact patient outcomes and effective day-to-day operations;

(D) explore and discuss the factors that influence healthcare management such as governmental regulations, payment models, employee turnover, and workforce shortages;

(E) define ethical workplace behavior and role play how to make ethical decisions; and

(F) explain how socially responsible management policies such as healthcare equity access, inclusion, and diversity policies are initiated and implemented.

(3) The student recognizes the business functions of healthcare systems. The student is expected to:

(A) differentiate among the major healthcare delivery systems such as hospitals, outpatient care facilities, community-based organizations, insurance companies, and pharmaceutical companies;

(B) define and discuss healthcare quality and quality improvement;

(C) specify various types of health information technology and discuss barriers to health information technology adoption;

(D) investigate healthcare financing models;

(E) explain the difference between and provide examples of healthcare revenues and healthcare expenses;

(F) define revenue-cycle management; and

(G) describe the roles of customer service and marketing in health care.

(4) The student evaluates ethical behavioral standards and legal responsibilities. The student is expected to:

(A) research and describe the role of professional associations and regulatory agencies;

(B) examine legal and ethical behavior standards such as Patient Bill of Rights, Advanced Directives, and the Health Insurance Portability and Accountability Act (HIPAA);

(C) investigate the legal and ethical ramifications of unacceptable behavior;

(D) identify examples of conflicts of interest; and

(E) differentiate between the concepts of fraud, waste, and abuse.

§127.420. *World Health and Emerging Technologies (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: one credit in biology and at least one credit in a Level 2 or higher course from the health science career cluster. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) The World Health and Emerging Technologies course is designed to examine major world health problems and emerging technologies as solutions to these medical concerns. It is designed to improve students' understanding of cultural, infrastructural, political, educational, and technological constraints and inspire ideas for appropriate technological solutions to global medical care issues.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate verbal and non-verbal communication in a clear, concise, and effective manner;

(B) exhibit the ability to cooperate, contribute, and collaborate as a member of a team; and

(C) exemplify professional work standards such as appearance, attire, time management, organizational skills, and responsibilities.

(2) The student explores and discusses current major human health problems in the world. The student is expected to:

(A) describe the pathophysiology of the three leading causes of death in developing and developed countries;

(B) discuss history of diseases and the evolution of medical technology over time;

(C) contrast health problems in developing and developed countries;

(D) compare the functions of public health organizations, including the Centers for Disease Control and Prevention (CDC) and World Health Organization (WHO), at the local, state, national, and international levels;

(E) define and calculate incidence, morbidity, and mortality;

(F) identify and describe the challenges in global health that can have the greatest impact on health in developing nations; and

(G) investigate various social determinants of health such as food insecurity, homelessness, or financial insecurities.

(3) The student explains who pays for health care in the world today. The student is expected to:

(A) compare the availability and quality of health care in developing and developed countries;

(B) discuss and contrast the four basic healthcare system models, including the Beveridge Model, Bismarck Model, National Health Insurance Model, and the Out-of-Pocket Model, and compare these models to existing payment mechanisms in the United States of America;

(C) explain how countries that have different healthcare systems such as Canada, the United Kingdom, Japan, Germany, Taiwan, Switzerland, and the United States of America pay for health care and compare their patient outcomes such as infant mortality rates, rate of cancer, or rate of heart disease;

(D) describe how healthcare expenditures have changed over time; and

(E) identify the major contributors to the rising healthcare industry costs.

(4) The student describes the engineering technologies developed to address clinical needs. The student is expected to:

(A) describe technologies that support the prevention and treatment of infectious diseases;

(B) explain the implication of vaccines on the immune system and on public health;

(C) discuss the dangers of antibiotic overuse and misuse;

(D) investigate technologies such as genetics and molecular diagnostics used for the early detection and treatments of several types of cancers;

(E) describe and discuss the technologies used in the diagnosis and treatment of heart disease;

(F) describe and discuss technologies developed to support vital organ failure; and

(G) investigate emerging digital technology such as telehealth and remote monitoring and its impact on healthcare delivery.

(5) The student explores how human clinical trials are designed, conducted, and evaluated. The student is expected to:

(A) describe and discuss types of clinical trials, including the role of the institutional review board;

(B) define and calculate a sample size;

(C) identify quantitative and qualitative methods used in clinical trials; and

(D) compare and contrast different phases of pharmaceutical trials.

(6) The student recognizes the ethical and legal aspects involved in clinical research. The student is expected to identify issues and explain the ethical and legal guidelines, including informed consent and patient confidentiality, for the conduct of research involving human subjects.

(7) The student explains how research guides the development of new medical technologies. The student is expected to:

- (A) describe how health science research is funded;
- (B) explain the role of the U.S. Food and Drug Administration in approving new drugs and medical devices; and
- (C) analyze factors that affect the dissemination of new medical technologies.

(8) The student applies research principles to create a project that addresses a major health topic. The student is expected to:

- (A) facilitate data analysis and communicate experimental results clearly by effectively using technology such as creating visual aids; and
- (B) present the project to classmates, health professionals, parents, or instructors.

§127.421. *Medical Billing and Coding (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.

(1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: Medical Terminology. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) Medical Billing and Coding familiarizes students with the process, language, medical procedure codes, requirements of Health Insurance Portability and Accountability Act (HIPAA), and skills they will need to make accurate records. Students will develop an understanding of the entire process of the revenue cycle and how to effectively manage it. The program is designed to prepare students for employment in a variety of health care settings as entry level coder, medical billing specialist, and patient access representative.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills required by the healthcare industry. The student is expected to:

(A) demonstrate the ability to communicate and use interpersonal skills effectively;

(B) compose written communication, including emails using correct spelling, grammar, formatting, and confidentiality;

(C) use appropriate medical terminology and abbreviations; and

(D) model courtesy and respect for patients and team members in the multi-disciplinary healthcare setting and maintain good interpersonal relationships.

(2) The student explores career opportunities in revenue cycle management. The student is expected to:

(A) identify professional opportunities within the medical billing and revenue cycle management professions;

(B) demonstrate ethical billing and coding practices as outlined by professional associations guidelines; and

(C) investigate professional associations applicable to the field of health informatics such as American Academy of Professional Coders (AAPC), American Health Information Management Association (AHIMA), Healthcare Billing and Management Association (HBMA), and American Association of Healthcare Administrative Management (AAHAM).

(3) The student explains the ethical and legal responsibilities of personnel in medical billing and coding. The student is expected to:

(A) identify major administrative agencies that affect billing and coding such as Centers for Medicare and Medicaid Services (CMS) and the Office of the Inspector General (OIG);

(B) identify major laws and regulations that impact health information, including HIPAA, the Stark Law, the Fair Debt Collection Practices Act, and the False Claims Act;

(C) analyze legal and ethical issues related to medical billing and coding, revenue cycle management, and documentation within the medical record;

(D) research compliance laws;

(E) identify appropriate documentation required for the release of patient information;

(F) differentiate between informed and implied consent;

(G) compare and contrast use of information and disclosure of information; and

(H) evaluate cases for insurance fraud and abuse.

(4) The student identifies the body systems to support proficiency in billing and coding. The student is expected to:

(A) explain the sections and organizations of the International Classification of Diseases and Related Health Problems, 10th Revision, Clinical Modification (ICD-10-CM) and Current Procedural Terminology (CPT) coding manuals by identifying the anatomy and

physiology of body systems and how they apply to medical billing and coding, including:

- (i) the integumentary system;
- (ii) the skeletal system;
- (iii) the muscular system;
- (iv) the cardiovascular system;
- (v) the respiratory system;
- (vi) the digestive system;
- (vii) the endocrine system;
- (viii) the urinary system;
- (ix) the reproductive system; and
- (x) the nervous system and special senses; and

(B) identify mental, behavioral, and neurodevelopmental disorders and how they apply to medical billing and coding.

(5) The student demonstrates proficiency in the use of the ICD-10-CM, CPT, and Healthcare Common Procedure Coding System (HCPCS) coding systems. The student is expected to:

(A) apply coding conventions and guidelines for appropriate charge capture;

(B) describe the process to update coding resources;

(C) assign and verify diagnosis and procedure codes to the highest level of specificity, and, as applicable, HCPCS level II codes and modifiers in accordance with official guidelines;

(D) describe the concepts of disease groupings and procedure-code bundling; and

(E) identify coding compliance, including medical necessity.

(6) The student understands revenue cycle management. The student is expected to:

(A) define revenue cycle management;

(B) differentiate between various types of employer-sponsored and government-sponsored insurance models, including health maintenance organization (HMO), preferred-provider organization (PPO), Medicare, Medicaid, TRICARE, high deductible health plans, and workers' compensation;

(C) define Medicare Administrative Contractors (MACs) and investigate the administrative services provided by the MAC for Texas;

(D) describe the patient scheduling and check-in process, including verifying insurance eligibility, obtaining pre-authorization, and processing appropriate patient authorization and referral forms;

(E) describe the sections of the CMS-1500 form to prepare and submit mock clean claims electronically or manually;

(F) differentiate between primary and secondary insurance plans to initially process crossover claims;

(G) interpret remittance advice to determine financial responsibility of insurance company and patient, including a cash-paying patient;

(H) analyze reason for insurance company denials or rejections and determine corrections or appeals required; and

(I) analyze an aging report and how it relates to the revenue cycle.

§127.422. *Health Science Theory (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisites: one credit in biology and at least one credit in a course from the health science career cluster. Recommended prerequisite: Medical Terminology. Recommended corequisite: Health Science Clinical. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) The Health Science Theory course is designed to provide for the development of advanced knowledge and skills related to a wide variety of health careers. Students will become familiar with industry-based standards for documenting and maintaining medical information; research industry employment requirements, including education, certification, and licensing requirements; and evaluate ethical and legal responsibilities of health science professionals. Students will employ hands-on experiences for continued clinical knowledge and skill development.

(4) To pursue a career in the health science industry, students should learn to reason, think critically, make decisions, solve problems, and communicate effectively. Students should recognize that quality health care depends on the ability to work well with others.

(5) The health science industry is comprised of diagnostic, therapeutic, health informatics, support services, and biotechnology research and development systems that function individually and collaboratively to provide comprehensive health care. Students should identify the employment opportunities, technology, and safety requirements of each system. Students are expected to learn the knowledge and skills necessary to pursue a health science career through further education and employment.

(6) Professional integrity in the health science industry is dependent on acceptance of ethical and legal responsibilities. Students are expected to employ their ethical and legal responsibilities, recognize limitations, and understand the implications of their actions.

(7) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(8) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) express ideas in a clear, concise, and effective manner;

(B) exhibit the ability to cooperate, contribute, and collaborate as a member of a team; and

(C) model industry expectations of professional conduct such as attendance, punctuality, appropriate professional dress, proper hygiene, and time management.

(2) The student demonstrates patient-centered skills and interactions that foster trust and lead to a quality customer service experience. The student is expected to:

(A) demonstrate care, empathy, and compassion;

(B) communicate medical information accurately and efficiently in language that patients can understand; and

(C) comply with Health Insurance Portability and Accountability Act (HIPAA) policy standards.

(3) The student applies mathematics, science, English language arts, and social studies in health science. The student is expected to:

(A) solve mathematical calculations appropriate to situations in a healthcare-related environment;

(B) express ideas clearly in writing and develop skills in documentation related to health science;

(C) interpret complex technical material related to the health science industry;

(D) summarize biological and chemical processes in the body such as maintaining homeostasis; and

(E) research topics related to health science such as the global impact of disease prevention.

(4) The student demonstrates verbal, non-verbal, and electronic communication skills. The student is expected to:

(A) demonstrate therapeutic communication appropriate to the situation;

(B) use appropriate verbal and non-verbal skills when communicating with persons with sensory loss and language barriers in a simulated setting; and

(C) use electronic communication devices in the classroom or clinical setting appropriately.

(5) The student analyzes and evaluates communication skills for maintaining healthy relationships in the healthcare workplace. The student is expected to:

(A) evaluate how healthy relationships influence career performance;

(B) identify the role of communication skills in building and maintaining healthy relationships;

(C) demonstrate strategies for communicating needs, wants, and emotions in a healthcare setting; and

(D) evaluate the effectiveness of conflict-resolution techniques in various simulated healthcare workplace situations.

(6) The student documents and records medical information into a permanent health record. The student is expected to:

(A) research document formats such as dental or medical records;

(B) prepare health documents or records according to industry-based standards; and

(C) record health information on paper and electronic formats such as patient history, vital statistics, and test results.

(7) The student describes industry requirements necessary for employment in health science occupations. The student is expected to:

(A) research education, certification, licensing, and continuing education requirements and salary related to specific health science careers; and

(B) practice employment procedures for a specific health science career such as resume building, application completion, and interviewing.

(8) The student identifies problems and participates in the decision-making process. The student is expected to:

(A) apply critical-thinking, adaptability, and consensus-building skills to solve problems relevant to health science;

(B) evaluate the impact of decisions in health science; and

(C) suggest modifications to a decision or plan based on healthcare outcomes.

(9) The student demonstrates comprehension and proficiency of clinical skills used by health science professionals in a classroom or clinical setting. The student is expected to:

(A) comply with specific industry standards related to safety requirements;

(B) employ medical vocabulary specific to the healthcare setting;

(C) perform admission, discharge, and transfer functions in a simulated setting;

(D) demonstrate skills related to assisting patients with activities of daily living such as dressing, undressing, grooming, bathing, and feeding;

(E) determine proper equipment needed for patient ambulation such as gait belts, wheelchairs, crutches, or walkers;

(F) demonstrate skills related to assessing range of motion and assisting with mobility, including positioning, turning, lifting, and transferring patients for treatment or examination;

(G) role play techniques used in stressful situations such as situations involving trauma and chronic and terminal illness;

(H) demonstrate first aid, vital signs, cardiopulmonary resuscitation, and automated external defibrillator skills; and

(I) identify basic skills specific to a health science profession such as medical assistant, dental assistant, emergency medical technician-basic, phlebotomy technician, and pharmacy technician.

(10) The student evaluates ethical behavioral standards and legal responsibilities of a health science professional. The student is expected to:

(A) research and describe the role of professional associations and regulatory agencies;

(B) examine legal and ethical behavior standards such as Patient Bill of Rights, advanced directives, and HIPAA; and

(C) investigate the legal, ethical, and professional ramifications of unacceptable or discriminatory behavior.

(11) The student exhibits the leadership skills necessary to function in a healthcare setting. The student is expected to:

(A) identify essential leadership skills of health science professionals;

(B) assess group dynamics in real or simulated groups; and

(C) integrate consensus-building techniques.

(12) The student maintains a safe work environment. The student is expected to:

(A) describe governmental regulations and guidelines from entities such as the World Health Organization (WHO), Centers for Disease Control and Prevention (CDC), Occupational Safety and Health Administration (OSHA), U.S. Food and Drug Administration (FDA), The Joint Commission, and the National Institute of Health (NIH), and Texas Department of State Health Services (DSHS);

(B) explain protocols related to hazardous materials and situations such as personal protective equipment (PPE) and blood borne pathogen exposure;

(C) describe how to assess and report unsafe conditions;

(D) identify the benefits of recycling and waste management for cost containment and environmental protection; and

(E) demonstrate proper body mechanics to reduce the risk of injury.

(13) The student assesses wellness strategies for the prevention of disease. The student is expected to:

(A) research wellness strategies for the prevention of disease;

(B) evaluate positive and negative effects of relationships on physical and emotional health;

(C) explain the benefits of positive relationships between community members and health professionals in promoting a healthy community;

(D) research and analyze the effects of access to quality health care;

(E) research alternative health practices and therapies; and

(F) explain the changes in structure and function of the body due to trauma and disease.

§127.423. *Anatomy and Physiology (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: one credit in biology and one credit in chemistry, Integrated Physics and Chemistry, or physics. Recommended prerequisite: a course from the Health Science Career Cluster. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) The Anatomy and Physiology course is designed for students to conduct laboratory and field investigations, use scientific methods during investigations, and make informed decisions using critical thinking and scientific problem solving. Students in Anatomy and Physiology will study a variety of topics, including the structure and function of the human body and the interaction of body systems for maintaining homeostasis.

(4) Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(5) Students are expected to know that:

(A) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have

been tested over a wide variety of conditions are incorporated into theories; and

(B) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(6) Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.

(A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.

(7) Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students should be able to distinguish between scientific decision-making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).

(8) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested, while models allow for boundary specification and provide a tool for understanding the ideas presented. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(9) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(10) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) Employability skills. The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate verbal and non-verbal communication in a clear, concise, and effective manner;

(B) exhibit the ability to cooperate, contribute, and collaborate as a member of a team; and

(C) investigate necessary skills for health careers related to anatomy and physiology.

(2) Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as lab notebooks or journals, calculators, spreadsheet software, data-collecting probes, computers, standard laboratory glassware, microscopes, various prepared slides, stereoscopes, metric rulers, meter sticks, electronic balances, micro pipettors, hand lenses, Celsius thermometers, hot plates, timing devices, Petri dishes, agar, lab incubators, dissection equipment, reflex hammers, pulse oximeters, stethoscope, otoscope, blood pressure monitors (sphygmomanometers), pen lights, ultrasound equipment, and models, diagrams, or samples of biological specimens or structures;

(E) collect quantitative data using the International System of Units (SI) and United States customary units and qualitative data as evidence;

(F) organize quantitative and qualitative data using lab reports, labeled drawings, graphic organizers, journals, summaries, oral reports, and technology-based reports;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish among scientific hypotheses, theories, and laws.

(3) Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(4) Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.



(5) Scientific and engineering practices. The student knows the contributions of scientists and engineers and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing, so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists and engineers as related to the content; and

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) or health science field in order to investigate careers.

(6) Human body organization. The student demonstrates an understanding of the anatomic and physiological basis of life and the ability to explain the interdependence of structure and function in biological systems. The student is expected to:

(A) distinguish between the six levels of structural organization in the human body, including chemical, cellular, tissue, organ, system, and organism, and explain their interdependence;

(B) identify and use appropriate directional terminology when referring to the human body, including directional terms, planes, body cavities, and body quadrants;

(C) identify and describe the major characteristics of living organisms, including response to stimuli, growth and development, homeostasis, cellular composition, metabolism, reproduction, and the ability to adapt to the environment;

(D) research and describe negative and positive feedback loops as they apply to homeostasis; and

(E) research and identify the effects of the failure to maintain homeostasis as it relates to common diseases in each of the body systems.

(7) Histology. The student demonstrates the ability to analyze the structure and function of eukaryotic cells in relation to the formation of tissue. The student is expected to:

(A) define tissue and identify the four primary tissue types, their subdivisions, and functions;

(B) compare epithelial tissue and connective tissue in terms of cell arrangement and interstitial materials;

(C) describe the process of tissue repair involved in the normal healing of a superficial wound; and

(D) describe the general metabolic pathways of carbohydrates, lipids, and proteins.

(8) Skeletal system. The student analyzes the relationships between the anatomical structures and physiological functions of the skeletal system. The student is expected to:

(A) identify and differentiate between the axial skeleton and appendicular skeleton;

(B) identify the types of joints, including gliding, hinge, pivot, saddle, and ball and socket, and describe the movements of each;

(C) identify and locate the anatomy of bone, including spongy and compact tissue, epiphysis, diaphysis, medullary cavity, periosteum, bone marrow, and endosteum;

(D) explain the major physiological functions of the skeletal system;

(E) describe the role of osteoblasts, osteocytes, and osteoclasts in bone growth and repair;

(F) identify and describe the different types of fractures such as compound, complete, simple, spiral, greenstick, hairline, transverse, and comminuted; and

(G) identify and describe common diseases and disorders of the skeletal system such as scoliosis, osteoporosis, and bone cancer.

(9) Integumentary system. The student analyzes the relationships between the anatomical structures and physiological functions of the integumentary system. The student is expected to:

(A) identify and describe the structures of the integumentary system, including layers of the skin, accessory organs within each layer, and glandular components in each layer;

(B) describe the factors that can contribute to skin color;

(C) describe and explain the process of tissue repair and scar formation; and

(D) identify and describe common diseases and disorders of the integumentary system such as skin cancer and psoriasis.

(10) Muscular system. The student analyzes the relationships between the anatomical structures and physiological functions of the muscular system. The student is expected to:

(A) explain the major physiological functions of the muscular system, including voluntary movement, involuntary movement, heat production, and maintaining posture;

(B) explain the coordination of muscles, bones, and joints that allows movement of the body, including the methods of attachment of ligaments and tendons;

(C) examine common characteristics of muscle tissue, including excitability, contractibility, extensibility, and elasticity;

(D) identify and describe the appearance, innervation, and function of the three muscle types, including cardiac, skeletal, and smooth;

(E) examine the microscopic anatomy of a muscle fiber, including sarcomere, actin, and myosin;

(F) describe the mechanisms of muscle contraction at the neuromuscular junction;

(G) name, locate, and describe the action of major voluntary muscles in regions of the body, including the head and neck, trunk, upper extremity, and lower extremity;

(H) identify and describe common diseases and disorders of the muscular system such as muscle strains and muscular dystrophy; and

(I) analyze and describe the effects of pressure, movement, torque, tension, and elasticity on the human body.

(11) Nervous system. The student analyzes the relationship between the anatomical structures and physiological functions of the nervous system. The student is expected to:

(A) summarize and distinguish between the major physiological functions of the nervous system, including sensation, integration, and motor response;

(B) identify the senses and explain their relationship to nervous system;

(C) investigate and explain the interdependence between the cranial and spinal nerves with the special senses of vision, hearing, smell, and taste;

(D) describe the anatomy of the structures associated with the senses, including vision, hearing, smell, taste, and touch;

(E) identify the anatomical and physiological divisions of the peripheral nervous system and central nervous system;

(F) explain the glial cells within the central nervous system and peripheral nervous system and their associated functions;

(G) analyze the functional and structural differences between gray and white matter relative to neurons;

(H) distinguish between the types of neurons and explain the initiation of a nerve impulse during resting and action potential;

(I) categorize the major neurotransmitters by chemical and physical mechanisms; and

(J) identify and describe common diseases and disorders of the nervous system such as epilepsy, neuralgia, Parkinson's disease, and Alzheimer's disease.

(12) Endocrine system. The student analyzes the relationships between the anatomical structures and physiological functions of the endocrine system. The student is expected to:

(A) identify and locate the nine glands associated with the endocrine system, including the ovaries, testes, pineal gland, pituitary gland, thyroid gland, parathyroid glands, thymus, pancreas, and adrenal glands;

(B) compare and contrast endocrine and exocrine glands and identify the glands associated with each;

(C) describe the hormones associated with each endocrine gland;

(D) research the impact of the endocrine systems on homeostatic mechanisms and other body systems such as the integration between the hypothalamus and the pituitary gland;

(E) explain how the endocrine glands are regulated, including neural, hormonal, and humoral control; and

(F) identify and describe common diseases and disorders of the endocrine system such as hypothyroidism, pancreatic cancer, and diabetes.

(13) Urinary system. The student analyzes the relationships between the anatomical structures and physiological functions of the urinary system. The student is expected to:

(A) identify and describe the anatomical structures and functions of the urinary system, including the kidney, ureters, bladder, and urethra;

(B) compare and contrast the anatomical structures and describe the functions of the male and female urinary system;

(C) summarize and illustrate the structures, functions, and types of nephrons;

(D) examine the methods of fluid balance and homeostasis in the urinary system, including fluid intake and output;

(E) analyze the composition of urine and the process of urine formation, including filtration, reabsorption, and secretion;

(F) describe the relationship between the nervous system, renal system, and muscular system before and during micturition; and

(G) identify and describe common diseases and disorders of the urinary system such as chronic kidney disease, kidney stones, urinary tract infections, and renal cancer.

(14) Cardiovascular system. The student analyzes the relationships between the anatomical structures and physiological functions of the cardiovascular system. The student is expected to:

(A) identify the major functions of the cardiovascular system, including transport, maintaining homeostasis, and immune response;

(B) compare and contrast the anatomical structure of arteries, arterioles, capillaries, venules, and veins;

(C) investigate and illustrate how systemic circulation transports blood, gasses, and nutrients from the heart to the internal anatomy of the heart, including tissue layers, chambers, and valves, and external anatomy of the heart, including coronary vessels;

(D) describe the relationship between blood flow and blood pressure, including systolic and diastolic pressure, pulse pressure, and mean arterial pressure;

(E) compare and contrast coronary, pulmonary, and systemic circulation, and describe the major vessels of each;

(F) illustrate how the PQRST waves of an electrocardiogram (EKG) demonstrate the conduction of electricity through the structures of the heart;

(G) describe the relationship between the cardiovascular system, nervous system, and muscular system in regulating cardiac output; and

(H) identify and describe common diseases and disorders of the cardiovascular system such as heart disease, myocardial infarction, ischemia, and hypertrophic cardiomyopathy.

(15) Lymphatic system. The student analyzes the relationships between the anatomical structures and physiological functions of the lymphatic system and understands the immune response. The student is expected to:

(A) evaluate the interaction of the lymphatic system with other body systems such as the circulatory system;

(B) describe the structure and function of the lymphatic organs and explain how lymph moves through the body;

(C) identify and describe the role and function of the immune cells, including T cells and B cells, within the lymphatic system structures;

(D) identify and determine antigens associated with ABO blood typing, including Rhesus (Rh) factor;

(E) summarize the ways the body protects and defends against disease, including inflammation, barrier defenses, and active and passive immunity;

(F) describe the role of antigens and antibodies in the immune response; and

(G) identify and describe common diseases and disorders associated with the lymphatic and immune systems such as inherited or acquired immunodeficiencies, autoimmune diseases, and lymphomas.

(16) Digestive system. The student analyzes the relationships between the anatomical structures and physiological functions of the digestive system. The student is expected to:

(A) examine the anatomical structures and function of the alimentary canal and accessory organs;

(B) compare and contrast mechanical and chemical digestive processes;

(C) evaluate the modes by which energy is processed and stored within the body, including ingestion, propulsion, absorption, and elimination; and

(D) identify and describe common diseases and disorders of the digestive system such as gallstones, Crohn's disease, irritable bowel syndrome, and gastroesophageal reflux disorder.

(17) Respiratory system. The student analyzes the relationships between the anatomical structures and physiological functions of the respiratory system. The student is expected to:

(A) identify and sequence the anatomical structures and functions of the respiratory system;

(B) compare and contrast the functions of upper and lower respiratory tract;

(C) describe the physiology of respiration, including internal and external respiration and gas exchange;

(D) describe the relationship between the respiratory and cardiovascular systems during pulmonary circulation;

(E) investigate factors that affect respiration, including exercise and environmental changes such as altitude; and

(F) identify and describe common diseases of the respiratory system such as asthma, emphysema, pneumonia, viruses, and allergies.

(18) Reproductive system. The student analyzes the relationships between the anatomical structures and physiological functions of the reproductive system. The student is expected to:

(A) explain embryological development of cells, tissues, organs, and systems;

(B) describe and examine the location, structure, and functions of the internal and external female and male reproductive organs and accessory glands;

(C) describe and compare the process of oogenesis and spermatogenesis;

(D) research and discuss the physiological effects of hormones on the stages of the menstrual cycle;

(E) identify and distinguish the hormones involved in maturation and development throughout the life cycle, including puberty, gestation, and menopause; and

(F) identify and describe common diseases and disorders of the reproductive system such as sexually transmitted diseases and cancers of the female and male reproductive systems.

(19) Emerging technologies. The student identifies emerging technological advances in science and healthcare treatment and delivery. The student is expected to:

(A) research and discuss advances in science and medicine at the organ and tissue level such as bionics and wearable monitoring technologies; and

(B) research and describe advances in science and medicine at the cellular level such as stem cells and gene therapy.

§127.424. *Pathophysiology (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: one credit in biology, one credit in chemistry, and at least one credit in a Level 2 or higher course from the health science career cluster. Recommended prerequisite: Anatomy and Physiology. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) The Pathophysiology course is designed for students to conduct laboratory and field investigations, use scientific methods during investigations, and make informed decisions using critical thinking and scientific problem solving. Students in Pathophysiology will study disease processes and how humans are affected. Emphasis is placed on prevention and treatment of disease.

(4) Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(5) Students are expected to know that:

(A) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(B) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(6) Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.

(A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.

(7) Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students should be able to distinguish between scientific decision-making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).

(8) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested, while models allow for boundary specification and provide a tool for understanding the ideas presented. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(9) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(10) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate verbal and non-verbal communication in a clear, concise, and effective manner; and

(B) demonstrate the ability to cooperate, contribute, and collaborate as a member of a team.

(2) The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as calculators, spreadsheet software, data-collecting probes, computers, standard laboratory glassware, microscopes, various prepared slides, stereoscopes, metric rulers, electronic balances, gel electrophoresis apparatuses, micro pipettors, hand lenses, Celsius thermometers, hot plates, timing devices, Petri dishes, lab incubators, biochemical media and stains dissection equipment, meter sticks, and models, diagrams, or samples of biological specimens or structures;

(E) collect quantitative data using the International System of Units (SI) and United States customary units and qualitative data as evidence;

(F) organize quantitative and qualitative data using lab notebooks or journals, lab reports, labeled drawings, graphic organizers, peer reviewed medical journals, summaries, oral reports, and technology-based reports;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(3) The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(4) The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(5) The student knows the contributions of scientists and engineers and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists and engineers as related to the content; and

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) or health science field in order to investigate careers.

(6) The student analyzes the mechanisms of pathology. The student is expected to:

(A) describe abnormal biological and chemical processes at the cellular level;

(B) examine and analyze changes resulting from mutations and neoplasms by examining cells, tissues, organs, and systems;

(C) investigate factors that contribute to disease, including age, gender, environment, lifestyle, and heredity; and

(D) analyze and describe how the body's compensating mechanisms attempt to maintain homeostasis when changes occur.

(7) The student examines the process of pathogenesis. The student is expected to:

(A) differentiate and identify pathogenic organisms using microbiological techniques such as gram staining, biochemical identification, and microscopic observation;

(B) research and summarize the stages of pathogenesis, including incubation period, prodromal period, and exacerbation or remission;

(C) analyze the body's natural defense systems against infection, including barriers, the inflammatory response, and the immune response;

(D) analyze other mechanisms of disease prevention and treatment such as vaccinations, antibiotics, chemotherapy, and immunotherapy; and

(E) evaluate the effects of chemical agents, environmental pollution, and trauma on the disease process.

(8) The student examines diseases throughout the body's systems. The student is expected to:

(A) investigate the etiology, signs and symptoms, diagnosis, prognosis, and treatment of diseases;

(B) explore and describe advanced technologies for the diagnosis and treatment of disease;

(C) research and describe reemergence of diseases such as malaria, tuberculosis, polio, and measles;

(D) research the causes, prevention, and impact of nosocomial infections and differentiate between the causes, prevention, and impact of nosocomial infections versus community-acquired infections;

(E) research and describe antibiotic-resistant diseases such as methicillin-resistant *Staphylococcus aureus*;

(F) differentiate between various types of diseases and disorders, including hereditary, infectious, and auto-immune; and

(G) investigate ways diseases such as diabetes, Parkinson's, lupus, and congestive heart failure affect multiple body systems.

(9) The student integrates the effects of disease prevention and control. The student is expected to:

(A) evaluate public health issues related to asepsis, isolation, immunization, and quarantine;

(B) analyze the effects of stress and aging on the body;

(C) analyze patient medical data and interpret medical laboratory test results to inform diagnosis and treatment;

(D) analyze and interpret epidemiological data to determine common trends and predict outcomes in disease progression;

(E) research and summarize diseases that threaten world health and propose intervention strategies; and

(F) develop a prevention plan that considers how behaviors contribute to lifestyle diseases.

§127.425. *Pharmacy I (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 10 and 11. Recommended prerequisites: Introduction to Pharmacy Science or Principles of Health Science and one credit in biology. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) The goal of Pharmacy I is for the student to gain a strong foundation in the knowledge and skills needed to pursue a career in the pharmaceutical field (e.g., pharmacy technician, pharmacist). Knowledge includes pharmacology, pharmacy law, medication safety, the dispensing process, and inventory. Pharmacy I is designed to be the second course in a pathway leading to college and career readiness in the healthcare therapeutics professions. The course content aligns with the competencies of pharmacy technician certification examinations.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student exhibits personal and interpersonal knowledge and skills. The student is expected to:

(A) model ethical conduct in complex situations;

(B) model a respectful and professional attitude when interacting with diverse patient populations, colleagues, and professionals;

(C) apply self-management skills such as stress and change management;

(D) apply interpersonal skills, including negotiation skills, conflict resolution, customer service, and teamwork;

(E) practice problem-solving skills in respect to complex ethical decision making; and

(F) compare unethical and illegal conduct in the workplace.

(2) The student communicates effectively with diverse populations. The student is expected to:

(A) practice a respectful and professional attitude when interacting with diverse patient populations, colleagues, and professionals; and

(B) compare communication techniques that are effective for various population clients such as terminally ill, intellectually disabled, visually/hearing impaired, and elderly/pediatric populations.

(3) The student interprets pharmacy correspondence utilizing medical abbreviations and terminology typically found in the pharmacy setting. The student is expected to:

(A) employ pharmacy terminology and abbreviations in creating and utilizing correspondence in the pharmacy such as prescriptions, medication administration records (MARs), and patient order sheets;

(B) compare terminology typically used in the community and institutional pharmacy settings; and

(C) translate sig codes and abbreviations used in the pharmacy.

(4) The student distinguishes between the requirements of various federal agencies. The student is expected to:

(A) explain the handling and disposal of non-hazardous, hazardous, and pharmaceutical substances and waste;

(B) discuss the requirements for controlled substance prescriptions, including new, refill, and transfer prescriptions, accord-

ing to the Drug Enforcement Administration (DEA) controlled substances schedules;

(C) describe Food and Drug Administration (FDA) recall requirements based on classification for medications, devices, supplies, and supplements;

(D) interpret and apply state and federal laws pertaining to processing, handling, and dispensing of medications, including controlled substances;

(E) interpret state and federal laws and regulations pertaining to pharmacy technicians; and

(F) explain pharmacy compliance with professional standards and relevant legal, regulatory, formulary, contractual, and safety requirements.

(5) The student recalls drug information. The student is expected to:

(A) identify brand name, generic name, classification, and indication of use for common medications with automaticity;

(B) discuss common and life-threatening drug interactions and contraindications;

(C) identify narrow therapeutic index (NTI) medications; and

(D) access and use references such as United States Pharmacopeia (USP) standards, drug reference books, and clinical information sources as needed to perform job duties.

(6) The student explains the dispensing process. The student is expected to:

(A) identify a prescription or medication order for completeness, including drug strength, dosage form, directions, quantity, and refills, and obtain missing information if needed;

(B) communicate with patients to obtain information, including demographics, medication history, health conditions, allergies, and insurance, for the patient profile;

(C) practice assisting pharmacists in collecting, organizing, and recording demographic and clinical information for the Pharmacists' Patient Care Process;

(D) perform the necessary mathematical calculations required for order entry, including formulas, ratios, concentrations, percent strength, dilutions, proportions, and allegations;

(E) identify equipment and supplies, including diabetic supplies, spacers, and oral/injectable syringes, required for drug administration based on the package size and unit dose;

(F) identify and describe the importance of lot numbers, expiration dates, and National Drug Codes (NDC) on drug packaging;

(G) practice and adhere to effective infection control procedures;

(H) apply appropriate cleaning standards, including hand washing and cleaning counting trays, countertops, and equipment; and

(I) explain the state pharmacy boards' roles in the regulation of pharmacy technicians and that differences exist between states in the processing, handling, and dispensing of prescription medications.

(7) The student identifies common medication errors and explains error prevention strategies. The student is expected to:

(A) identify high-alert/risk and look-alike/sound-alike (LASA) medications;

(B) describe error prevention strategies, including using Tall Man lettering, trailing/leading zeros, and barcodes; separating inventory; and limiting use of error-prone abbreviations;

(C) describe types of prescription errors, including abnormal doses, early refill, incorrect quantity, incorrect patient, and incorrect drug;

(D) explain pharmacy professional standards for and the role of the pharmacy technician in the patient care process;

(E) identify opportunities to assist pharmacists in the identification of patients who desire or require counseling to optimize the use of medications, equipment, and devices;

(F) discuss the pharmacy technician's role in patient and medication safety practices such as how to calculate dosage of pediatric over-the-counter drugs;

(G) explain how pharmacy technicians assist pharmacists in responding safely and legally to emergent patient situations; and

(H) explain basic safety and emergency preparedness procedures applicable to pharmacy services.

(8) The student performs inventory procedures according to federal, state, local, and facility guidelines. The student is expected to:

(A) identify proper storage for medications in regard to temperature, light sensitivity, product demand, fast movers, cost, and restricted access;

(B) explain the definition and purpose of a formulary or approved/preferred product list;

(C) describe procedures for inventory control, including removal of expired and recalled drug products, rotating inventory, performing a physical inventory, ordering medications and supplies, monitoring periodic automatic replenishment (PAR) levels, and using just-in-time ordering;

(D) explain accepted procedures in purchasing pharmaceuticals, devices, and supplies; and

(E) explain accepted procedures for identifying and disposing of expired medications.

§127.426. *Pharmacy II (Two Credits), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.

(1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner

shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: one credit in biology, one credit in chemistry, and Pharmacy I. Recommended prerequisite: Algebra I, Introduction to Pharmacy Science, and Pharmacy I. Students shall be awarded two credits for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) The Pharmacy II course provides students with the advanced knowledge and skills to explore various careers in the pharmacy field, including pharmacology, pharmacy law, medication errors, inventory pharmacy calculations, compounding, and workflow expectations in a pharmacy setting. Pharmacy II is designed to be the third course in a pathway leading to college and career readiness in the healthcare therapeutics professions. The course content aligns with the competencies of pharmacy technician certification examinations.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student exhibits personal and interpersonal knowledge and skills. The student is expected to:

(A) apply appropriate verbal communication in a clear, concise, and effective manner;

(B) apply appropriate non-verbal communication in a clear, respectful, and effective manner;

(C) apply appropriate adaptability skills such as problem solving and creative thinking;

(D) create or evaluate a career plan using methods such as identifying educational pathways, developing career goals, and assessing individual aptitudes;

(E) demonstrate teamwork;

(F) create an occupation-specific resume; and

(G) identify soft skills desired by employers.

(2) The student communicates effectively with diverse populations. The student is expected to:

(A) practice a respectful and professional attitude in communications with diverse patient populations, colleagues, and professionals such as written, oral, and electronic communications;

(B) demonstrate communication techniques that are effective for various populations such as terminally ill, intellectually disabled, visually/hearing impaired, and elderly/pediatric populations; and

(C) demonstrate skills for supporting communication between various stakeholders such as serving as a liaison between the nurse and the patient.

(3) The student demonstrates the use of medical terminology and abbreviations in a pharmacy setting. The student is expected to:

(A) interpret and translate prescription and medication orders according to pharmacy settings such as community and hospital environments;

(B) create pharmacy correspondence such as prescriptions, medication administration records (MARs), and patient order sheets using medical terminology and abbreviations;

(C) use medical terminology found in various pharmacy settings to communicate appropriately; and

(D) translate sig codes and abbreviations used in the pharmacy to communicate instructions to patients.

(4) The student applies the strictest requirements using the laws of local, state, and federal agencies. The student is expected to:

(A) demonstrate the proper handling and disposal of non-hazardous, hazardous, and pharmaceutical substances and waste;

(B) apply the requirements for controlled substance prescriptions, including new, refill, and transfer prescriptions;

(C) apply the requirements for receiving, storing, ordering, labeling, and dispensing controlled substances and the reverse distribution, take-back, and loss or theft of controlled substances;

(D) classify controlled substances such as cocaine, heroin, marijuana, fentanyl, dextroamphetamine, amphetamine salts, benzodiazepines, and anabolic steroids according to their Drug Enforcement Administration (DEA) schedules;

(E) identify the federal requirements for restricted drugs such as pseudoephedrine and related medication processing programs such as Risk Evaluation and Mitigation Strategies (REMS) and iPLEDGE;

(F) demonstrate the process for Food and Drug Administration (FDA) recalls based on classification for medications, devices, supplies, and supplements; and

(G) explain pharmacy compliance with professional standards such as scope of practice and relevant legal, regulatory, formulary, contractual, and safety requirements.

(5) The student interprets drug information. The student is expected to:

(A) apply knowledge of brand name, generic name, classification, and indication of use for common medications such as the top 200 drugs with automaticity in a pharmacy setting;

(B) analyze the common and life-threatening drug interactions and contraindications such as drug-disease, drug-drug, drug-lab, and drug-food;

(C) apply knowledge of the narrow therapeutic index (NTI) to drug use evaluations; and

(D) integrate the use of digital and hard copy references such as United States Pharmacopeia (USP) standards, drug reference books, and clinical information sources as needed to perform job duties.

(6) The student demonstrates the dispensing process in various pharmacy settings. The student is expected to:

(A) analyze a prescription and medication order for completeness, including drug strength, dosage form, directions, quantity, date, and refills, and obtain missing information if needed;

(B) communicate with patients or care givers using the appropriate modality to obtain information, including demographics, medication history, health conditions, allergies, and insurance, for the patient profile;

(C) collect, organize, and record demographic and clinical information accurately for patient continuity of care;

(D) identify the required steps in preparing sterile compounded products, including putting on (donning) personal protective equipment (PPE), cleaning the vertical or horizontal flow hoods, selecting correct supplies, and preparing the product for dispensing;

(E) select the appropriate equipment and supplies, including diabetic supplies, spacers, and oral/injectable syringes, for drug administration based on package size and unit dose;

(F) apply lot numbers, expiration dates, and National Drug Codes (NDC) on drug packaging for the dispensing of medication; and

(G) differentiate between the use of effective infection control procedures such as sterile and non-sterile compounding in various pharmacy related settings.

(7) The student analyzes common medication errors and practices error prevention strategies. The student is expected to:

(A) use knowledge of high alert/risk and look-alike/sound-alike (LASA) medications to prevent medication errors;

(B) apply knowledge of current error prevention strategies such as using Tall Man lettering, trailing/leading zeros, and barcodes; separating inventory; and limiting use of error-prone abbreviations to prevent medication errors;

(C) apply knowledge of various prescription errors such as abnormal dose, early refill, incorrect quantity, incorrect patient, and incorrect drug for improved accuracy;

(D) demonstrate how to assist pharmacists in recognizing issues that require intervention such as adverse drug events, drug utilization review (DUR), and use of equipment and devices; and

(E) demonstrate knowledge of medication errors such as near miss and adverse events and various reporting procedures such as MedWatch, vaccine adverse event reporting system (VAERS), and route-cause analysis (RCA).

(8) The student applies pharmacy workflow procedures according to federal, state, local, and facility guidelines. The student is expected to:

(A) describe the process for creating a prescription or medication order in compliance with pharmacy standards such as standards for patient rights, completeness of a prescription or medication order, and authorization;

(B) discuss the steps in verifying a prescription or medication order such as right patient, right drug, right dosage, right time, and right route;

(C) identify the proper procedures for entering a prescription or medication order, including procedures for workstation, use of technology, validation with drug enforcement administration (DEA) calculations, and transcribing such as using military time and Roman numerals;



(D) apply the proper techniques for filling a prescription or medication order such as techniques for use of technology, counting, and selecting the correct medication;

(E) explain the proper procedure for the administration of prescription or medication orders such as ear drops, eye drops, inhalations, parenteral, and enteral;

(F) demonstrate knowledge of the workflow process for prescriptions and medication orders such as creation of the order, order entry, adjudication, verification, filling, labeling, billing, dispensing, and administration; and

(G) describe the elements of third-party billing for out-patient dispensing, including prescription insurance ID cards, group numbers, BIN numbers, prior authorization, quantity limits, patient co-pays, maximum out-of-pocket costs, and deductibles.

(9) The student evaluates mathematical process standards related to the practice of pharmacy. The student is expected to:

(A) calculate dosage calculations for adults and special populations using conversions, ratios, and dimensional analysis to perform duties in a pharmacy setting;

(B) apply conversions to systems of measurements, including apothecary, metric, and household, to perform duties in a pharmacy setting;

(C) calculate the flow rate (or rate of administration) for an IV solution using ratios and conversions such as milliliters to drops, weight, or hours to minutes;

(D) calculate days supply for a prescription order given a dose and sig;

(E) calculate volume or mass of each of the total parenteral nutrition (TPN) components such as lipids, amino acids, dextrose, calcium, and magnesium;

(F) calculate volume or mass of ingredients needed for compounding both sterile and non-sterile products;

(G) calculate amount needed for percent of weight-to-volume, volume-to-volume, and weight-to-weight based on stock concentration; and

(H) use calculations related to business math in a pharmacy setting, including profit, net profit, discounts, mark-ups, dispensing fee, average wholesale price, depreciation, and third-party.

(10) The student demonstrates the use of technology in a pharmacy setting. The student is expected to:

(A) identify the types and uses of automated dispensing technology such as cabinets, units, and carousels;

(B) demonstrate knowledge and components of pharmacy dispensing software used in the out-patient setting, the in-patient setting, and in-office use dispensing;

(C) apply professional standards using communication technology such as telephone, emails, fax, electronic prescriptions, and social media appropriate for a pharmacy setting;

(D) apply knowledge of technology hardware devices for input and output such as computers, scanners, printers, interface devices, and other devices; and

(E) select and use appropriate technology tools to search for drug information such as pill identification, adverse events, and contraindications.

(11) The student uses critical thinking, scientific reasoning, research, or problem solving to make informed decisions and communicate within and outside the classroom. The student is expected to:

(A) critique the validity and reliability of scientific research such as assessing for bias, conflict of interest, and study design;

(B) demonstrate the ability to independently find valid and reliable sources such as primary, secondary, and tertiary literature;

(C) identify safe use of online resources that maintain the privacy and confidentiality of the user and patient;

(D) analyze online resources used in scientific research;

(E) describe the recent innovations and advances in pharmacy;

(F) identify opportunities for extended learning experiences such as community services, career and technical service organizations (CTSOs), and professional organizations; and

(G) evaluate scientific information extracted from various sources such as accredited scientific journals, institutions of higher learning, current events, news reports, published journal articles, and marketing and promotional materials.

(12) The student performs inventory procedures according to federal, state, local, and facility guidelines. The student is expected to:

(A) analyze proper storage for medications in regard to temperature, light sensitivity, product demand, cost, and restricted access;

(B) analyze therapeutic substitutions and product selection using the knowledge of formularies or preferred product list;

(C) practice procedures for inventory control such as removal of expired/recalled drug products, rotating inventory, performing a physical inventory, and ordering medications/supplies;

(D) explain how just-in-time or drop ship ordering and periodic automatic replenishment (PAR) levels are used to maintain pharmacy inventory;

(E) analyze how laws affect the procedures for purchasing or ordering medications, devices, and supplies; and

(F) analyze lot numbers, expiration dates, and National Drug Codes (NDC) on drug packaging for inventory accuracy.

(13) The student demonstrates knowledge of safety procedures in a pharmacy setting. The student is expected to:

(A) apply appropriate hygiene and cleaning standards, including hand washing and cleaning counting trays, countertops, and equipment;

(B) perform basic safety and emergency preparedness procedures such as basic life support (BLS) and first aid applicable to pharmacy services;

(C) explain the risks of drug diversion to employees, patients, and the community;

(D) explain the potential solutions to minimize drug diversion such as identifying red flags, controlling inventory, and monitoring the prescription drug monitoring program (PDMP);

(E) explain the types and uses of PPE and the steps for putting on (donning) and removing (doffing) PPE; and

(F) explain why collecting and documenting patient allergies are important steps in medication safety.

§127.427. *Medical Assistant (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.

(1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite or corequisite: Anatomy and Physiology. Recommended prerequisite: Medical Terminology. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostics services, health informatics, support services, and biotechnology research and development.

(3) The Medical Assistant course provides students with the knowledge and skills to pursue a career as a medical assistant and to improve college and career readiness. Students will obtain communication skills, clinical ethics knowledge, safety awareness, and information related to medical assisting career opportunities.

(4) To pursue a career in the health science industry, students should learn to reason, think critically, make decisions, solve problems, and communicate effectively. Students should recognize that quality health care depends on the ability to work well with others.

(5) Professional integrity in the health science industry is dependent on acceptance of ethical and legal responsibilities. Students are expected to employ their ethical and legal responsibilities, recognize limitations, and understand the implications of their actions.

(6) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(7) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student applies professional standards/employability skills as required by business and industry. The student is expected to:

(A) apply appropriate verbal communication in a clear, concise, and effective manner;

(B) apply appropriate non-verbal communication in a clear, respectful, and effective manner;

(C) apply appropriate adaptability skills such as problem solving and creative thinking;

(D) create or evaluate a career plan using methods such as identifying educational pathways, professional organizations, career goals, continuing education opportunities, and individual aptitudes;

(E) demonstrate teamwork;

(F) create an occupation-specific resume; and

(G) identify and demonstrate soft skills desired by employers in health care.

(2) The student evaluates the roles and responsibilities of the medical assistant as a member of the healthcare team. The student is expected to:

(A) explain the role of the medical assistant in various healthcare settings;

(B) discuss the scope of practice, including responsibilities and limitations of a medical assistant;

(C) explain the level of authority within the healthcare professional hierarchy; and

(D) identify the members of an interdisciplinary healthcare team and their roles such as licensed vocation nurse, registered nurse, primary care provider, specialists, and other allied health professionals.

(3) The student applies professional communication skills to provide information to patients and team members in a healthcare setting. The student is expected to:

(A) demonstrate the ability to report abnormal results in writing and orally to the patient's provider;

(B) demonstrate how to communicate with patients, caregivers, and the interdisciplinary team to assist in the planning, delivery, and coordination of patient-centered care;

(C) evaluate different communication techniques for responding to the needs of individuals in a diverse society;

(D) practice conflict-resolution techniques such as cooperation, contribution, compromise, and collaboration in various situations; and

(E) practice providing patient education on health-related topics such as clean catch urine collection, the risks and benefits of vaccinations, use of a peak-flow, and nebulizer treatments.

(4) The student demonstrates knowledge of healthcare ethical principles in their practice of medical assisting. The student is expected to:

(A) evaluate principles of ethical behavior, including beneficence, non-maleficence, justice, and autonomy;

(B) debate ethical issues related to technological advances in health care such as stem cells, robotics, and immunologic therapies in health care;

(C) evaluate ethical issues and legal ramifications related to malpractice, negligence, and liability; and

(D) summarize legal and ethical standards, including Patient Bill of Rights, Advanced Directives, and the Health Insurance Portability and Accountability Act (HIPAA).

(5) The student demonstrates knowledge of the administrative duties of a medical assistant in a healthcare setting. The student is expected to:

(A) identify considerations for scheduling a patient such as availability of test results, availability of staff, patient flow, triage, and coordination of care;

(B) discuss considerations related to managing an office schedule such as types of scheduling, under booking, over booking, cancellations, add-ons, and no-shows;

(C) define the terms used in medical billing such as diagnosis codes, billing codes, billing cycle, co-pay, deductibles, maximum out-of-pocket, and time of service;

(D) describe the elements of completing patient registration such as recording demographics, emergency contact, and insurance information;

(E) analyze different types of health insurance coverage, including Medicare, Medicaid, TRICARE, Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA), private insurance, employer-based insurance, and workers' compensation;

(F) identify the components of an insurance card such as plan name, group number, ID number, patient co-pay, co-insurance, and phone numbers;

(G) define insurance plan terminology such as prior authorization, formulary, explanation of benefits, denial, appeal, and referrals;

(H) define electronic health records systems and their components such as demographics, financial insurance information, orders and referrals, correspondence, and test results; and

(I) analyze the benefits and risks of electronic health records systems.

(6) The student uses appropriate medical terminology as a medical assistant. The student is expected to:

(A) use directional terms and anatomical planes related to body structure;

(B) use occupationally specific terms such as terms relating to the body systems, surgical and diagnostic procedures, diseases, and treatment; and

(C) apply knowledge of prefixes, suffixes, and root words to translate medical terms to conversational language to facilitate communication.

(7) The student practices or models patient intake skills as a medical assistant. The student is expected to:

(A) collect and document patient information during an intake interview, including chief complaint; patient care team; past medical, surgical, social, and family histories; patient allergies; and comprehensive medication list;

(B) explain how to use a medical chart to identify patient care needs;

(C) identify normal ranges for vital signs per age group, including blood pressure, temperature, heart rate, respiratory rate, and oxygen saturation;

(D) measure and record accurate vital signs, including manual blood pressure, temperature, heart rate, respiratory rate, and pain scale;

(E) measure and record accurate anthropometric measurements, including height, weight, and head circumference; and

(F) calculate accurate conversions between different units of measurement such as kilograms to pounds, centimeters to inches, and Fahrenheit to Celsius.

(8) The student demonstrates knowledge and application of point of care testing as a medical assistant. The student is expected to:

(A) define point of care testing;

(B) identify and correlate specimen types and collection methods, including throat swabs, capillary blood, and urine used in point of care testing;

(C) describe tests that might be performed as a point of care test in an office such as rapid strep, rapid flu, glucose, urine dip, urine pregnancy, vision screening, and electrocardiogram (EKG) tests;

(D) perform and document a vision screening using the Snellen eye chart; and

(E) locate landmarks for performing a 12-lead electrocardiogram (EKG).

(9) The student demonstrates knowledge of medication preparation and administration in a clinical setting specific to the role of a medical assistant. The student is expected to:

(A) apply the six rights of medication administration, including right patient, right medication, right dose, right time, right route, and right documentation;

(B) identify drug classifications and the indication for use;

(C) define drug-related terms, including adverse event, therapeutic response, side effect, drug interactions, and allergic reaction;

(D) calculate the amount of medication to administer based on the dosage ordered and the strength of medication supply on hand;

(E) evaluate a patient for known allergies and contraindications prior to administering any medication;

(F) identify routes of medication administration, including oral, buccal, sublingual, inhaled, intranasal, otic, ophthalmic, intravaginal, anal, topical, transdermal, intradermal, subcutaneous, intramuscular, intravenous, and intrathecal;

(G) use proper technique when preparing medications for administration, including injections, oral, sublingual, inhaled, otic, ophthalmic, and topical;

(H) use proper technique when administering medications, including injections, oral, sublingual, inhaled, otic, ophthalmic, and topical;

(I) identify appropriate muscle groups for intramuscular injections, including deltoid, vastus lateralis, and ventrogluteal;

(J) explain the factors that influence intramuscular injection site selection, including patient size, patient age, viscosity of medication, and muscular density;

(K) explain the factors that affect needle size and gauge selection, including medication viscosity, patient size, muscular density; and

(L) demonstrate knowledge of syringe styles and markings on various size syringes such as Luer Lock, oral, insulin, TB, 1ml, 3ml, 5ml, and 10ml syringes.

(10) The student demonstrates knowledge of collecting, labeling, storing, and transferring lab specimens. The student is expected to:

(A) identify how to properly store and transfer lab specimens such as blood, urine, fecal, and sputum samples;

(B) list the proper order of draw for blood collection tubes;

(C) select the proper collection tubes for specific types of blood tests such as complete blood count (CBC), comprehensive metabolic panel (CMP), and lipid panel;

(D) locate veins used for blood draws;

(E) demonstrate proper technique and post procedural care for venous blood draws; and

(F) demonstrate proper labeling of lab specimens, including patient name, date of birth, source, date, time, and initials of collector.

(11) The student demonstrates knowledge of patient populations and their specific care considerations. The student is expected to:

(A) discuss and identify stages of development throughout a patient's lifespan;

(B) describe coping and defense mechanisms exhibited by patients such as emotion-focused behaviors, problem-focused behaviors, denial, displacement, intellectualization, projection, rationalization, and regression;

(C) identify and discuss end-of-life considerations such as advanced directives, power of attorney, stages of grief, and family support;

(D) practice appropriate methods of care for working with patients with mental, physical, and developmental disabilities;

(E) explain how socioeconomic factors such as income, transportation, access to community resources, employment, and education level can influence patient outcomes; and

(F) explain how various multicultural values can affect patient care decisions.

(12) The student demonstrates knowledge of safety practices and procedures as related to medical assisting. The student is expected to:

(A) employ standard precautions in a healthcare scenario;

(B) identify various modes of disease transmission, including vector borne, air borne, direct or indirect contact, and vehicle;

(C) distinguish between the types of isolation precaution signage used to address modes of disease transmission such as contact, droplet, and airborne;

(D) identify personal protective equipment (PPE);

(E) apply the knowledge of PPE used in various situations such as venipuncture, collecting a throat swab, or dipping urine;

(F) demonstrate proper putting on (donning) and removing (doffing) of PPE;

(G) define the use of a sharps container, biohazard container, shredding bin, and trash receptacle;

(H) practice safe handling of sharps such as not recapping after injection and prompt disposal in a sharps container;

(I) identify symptoms of anaphylaxis and the proper emergency response;

(J) explain storage requirements for medications, vaccines, and lab specimens;

(K) locate and use the safety data sheets (SDS) to retrieve information such as proper storage, clean up, and exposure response; and

(L) define and apply knowledge of medical asepsis.

§127.428. *Pharmacology (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year.

(1) No later than August 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: one credit in biology, one credit in chemistry, and at least one credit in a Level 2 or higher course from the health science career cluster. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) The Pharmacology course is designed to study how natural and synthetic chemical agents such as drugs affect biological systems. Knowledge of the properties of therapeutic agents is vital in providing quality health care. It is an ever-changing, growing body of

information that continually demands greater amounts of time and education from healthcare workers.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student applies professional standards/employability skills as required by the healthcare system. The student is expected to:

(A) apply appropriate verbal and non-verbal communication in a clear, concise, and effective manner;

(B) apply appropriate adaptability skills such as problem solving and creative thinking;

(C) create and evaluate a career plan using methods such as educational pathways, career goals, and individual aptitudes;

(D) demonstrate teamwork;

(E) create an occupation-specific resume; and

(F) identify and apply soft skills desired by employers.

(2) The student explores the field and foundation of pharmacology. The student is expected to:

(A) differentiate between pharmacology subdivisions, including pharmacodynamics, pharmacokinetics, pharmaceuticals, and pharmacotherapeutics;

(B) use common drug information materials such as accredited scientific journals, institutions of higher learning, current events, news reports, published journal articles, textbooks, and marketing materials;

(C) list examples of primary, secondary, and tertiary drug information references;

(D) research and describe the history of pharmacy and contributions of the field;

(E) draw inferences based on data from promotional materials for products and services;

(F) analyze the societal impact of medication costs; and

(G) evaluate the impact of scientific research on society, including drug development and the natural environment, including drug disposal.

(3) The student identifies careers associated with pharmacology. The student is expected to:

(A) evaluate career pathways utilizing pharmacology;

(B) define the role of the pharmacy team; and

(C) research and describe emerging opportunities within the pharmacy profession.

(4) The student explains the ethical and legal responsibilities associated with pharmacology. The student is expected to:

(A) explain the causes, effects, and consequences associated with medical errors, including medication errors;

(B) define legal terminology associated with medical errors such as negligence, product liability, contributory negligence, and regulatory law;

(C) analyze the principles of medical ethics, including beneficence, autonomy, maleficence, and justice; and

(D) evaluate professional liability.

(5) The student uses medical terminology to communicate effectively with other healthcare professionals, patients, and caregivers. The student is expected to:

(A) use the appropriate medical terminology to identify different classes of drugs;

(B) communicate using medical terminology associated with pharmacology;

(C) analyze unfamiliar terms using the knowledge of word roots, suffixes, and prefixes; and

(D) interpret medical terminology to communicate with patients and caregivers.

(6) The student demonstrates mathematical knowledge and skills to solve problems with systems of measurement used in the pharmacy. The student is expected to:

(A) calculate medication dosages using formulas, ratios, proportions, and allegations;

(B) convert a measurement expressed in one standard unit within a system to a measurement expressed in another unit within the same system;

(C) convert a measurement expressed in one system to a unit of the same measurement in a different system, including metric, apothecary, avoirdupois, and household systems; and

(D) evaluate statistical data and its limitations such as patient compliance, study design, and controls.

(7) The student evaluates pharmaceutical agents, their dosage form, and routes of administration. The student is expected to:

(A) analyze the availability of different dosage forms such as solid, liquid, patch, and IV solution;

(B) give examples of the brand or generic names of drugs such as the top 200 drugs in each dosage form and routes of drug administration;

(C) define medical terminology associated with drug dosage forms;

(D) explain the difference between therapeutic effects, side effects, and toxic effects;

(E) identify the mechanism of action of different drug classifications such as drug receptors, agonists, and antagonist relationships;

(F) explain the dose response relationship concept such as the difference between oral and IV administration of drugs and explain the relationship between drug dosage, drug response, and time; and

(G) explain drug safety practices such as monitoring expiration dates and drug disposal.

(8) The student demonstrates knowledge and use of appropriate equipment, instruments, and technology. The student is expected to:

(A) identify technology components used in the pharmacy workflow such as ordering, entering, filling, and dispensing;

(B) describe how technology applications improve efficiency in the pharmacy; and

(C) identify and demonstrate proper use and maintenance of equipment and instruments used in a pharmacy setting such as IV drop sets, scales, glucose supplies, dispensing units or cabinets, and other laboratory supplies.

(9) The student practices safe protocols in preventing personal and client illness or injury. The student is expected to:

(A) employ safety standards such as workplace standards;

(B) interpret and apply pharmacy standards according to the strictest local, state, or federal regulations to enhance safety;

(C) examine the consequences of unsafe practices; and

(D) demonstrate safe procedures in the administration of client care in a simulated or clinical setting.

§127.429. *Respiratory Therapy I (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.

(1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: At least one credit in a course from the health science career cluster. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) Respiratory Therapy I is a technical lab course that addresses knowledge and skills related to cardiopulmonary medicine. Respiratory therapists are specialized healthcare practitioners trained in cardiopulmonary medicine to work therapeutically with people suffering from cardiopulmonary diseases. Students will learn basic

knowledge and skills performed by respiratory therapists using equipment such as: stethoscopes, sphygmomanometers, thermometers, pulse oximeters, oxygen delivery devices (nasal cannula, masks of various types), nebulizers, and airway clearance and hyperinflation therapy devices.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations, including:

(A) work-based experiences/learning; and

(B) volunteering/shadowing opportunities.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards and employability skills required by the respiratory therapy profession. The student is expected to:

(A) model professionalism associated with respiratory therapy such as adaptability, time management, punctuality, appreciation for diversity, decision-making, dedication, and organizational and leadership skills;

(B) demonstrate effective verbal and non-verbal communication in a clear and concise manner;

(C) demonstrate therapeutic communication appropriate to the situation, including communication with individuals with language differences/barriers and sensory loss;

(D) evaluate the effectiveness of conflict resolution techniques in various situations; and

(E) demonstrate the ability to cooperate, contribute, and collaborate as a member of a team.

(2) The student applies mathematics, science, English language arts, and social studies in respiratory therapy. The student is expected to:

(A) interpret complex technical material related to respiratory therapy;

(B) identify how race, culture, and religion impact patient care;

(C) solve mathematical calculations related to respiratory therapy; and

(D) summarize biological and chemical processes that maintain homeostasis.

(3) The student investigates the history and profession of respiratory therapy, including education and licensure. The student is expected to:

(A) analyze the advancement of respiratory therapy practices over time;

(B) summarize the roles of respiratory therapists in various settings; and

(C) identify academic requirements for respiratory therapist and professional advancement opportunities such as professional organizations, credentials, certifications, registrations, licensure, continuing education, and advanced degrees.

(4) The student applies regulatory and safety standards in a respiratory therapy setting. The student is expected to:

(A) identify and conform to regulations and guidelines from entities such as the World Health Organization (WHO), Centers for Disease Control and Prevention (CDC), Occupational Safety and Health Administration (OSHA), U.S. Food and Drug Administration (FDA), The Joint Commission, the National Institute of Health (NIH), Texas Commission on Environmental Quality (TCEQ), Texas Department of State and Health Services (DSHS), and American Association for Respiratory Care (AARC);

(B) identify infection control standard and transmission-based precautions in the patient care setting, including hand hygiene, equipment sterilization, and the use of personal protective equipment (PPE); and

(C) identify industry safety standards, including standards for body mechanics, fire prevention, electrical safety, oxygen safety, and the handling of hazardous materials.

(5) The student investigates the structure and function of cardiopulmonary anatomy. The student is expected to:

(A) analyze the cardiovascular system, including ventricles, atrium, valves, blood vessels, nerves, blood flow, and cardiac conduction system;

(B) explain the respiratory system, including airways, trachea, lungs, and pulmonary vessels that aid the body in the exchange of gases;

(C) trace the blood flow through the cardiopulmonary system; and

(D) examine a variety of human diseases and disorders affecting the cardiopulmonary system such as chronic obstructive pulmonary disease (COPD), asthma, pneumonia, cystic fibrosis, and lung cancer.

(6) The student develops knowledge pertaining to respiratory therapy procedures. The student is expected to:

(A) demonstrate the use of breathing exercises for patients with cardiopulmonary disease such as pursed lipped breathing and diaphragmatic breathing;

(B) explain the use of hyperinflation and airway clearance therapies;

(C) explain the use of tracheostomy and endotracheal tubes and oral and nasal airway devices for assisted breathing;

(D) identify anatomy of the heart and lungs and proper endotracheal tube placement on X-ray;

(E) explain the use of oximetry and arterial blood-gases for patient assessment;

(F) identify and explain the use of the equipment for oxygen therapies such as nasal cannula, high flow nasal cannula, simple masks, air-entrainment masks, partial rebreather masks, and non-rebreather masks; and

(G) demonstrate the administration of oxygen therapy using oxygen concentrators and portable cylinders.

(7) The student recognizes cardiopulmonary pharmaceutical agents and safety and protocol measures. The student is expected to:

(A) identify medications used in respiratory therapy, including bronchodilators and inhaled corticosteroids;

(B) summarize indications, contraindications, and side effects of respiratory medications;

(C) discuss delivery of respiratory medications such as nebulizers and meter dose inhalers (MDI); and

(D) assess the impact of cardiopulmonary agents on vital signs.

(8) The student implements the knowledge and skills of respiratory therapy professionals in a laboratory setting. The student is expected to:

(A) demonstrate patient assessment of vital signs, including blood pressure, pulse, respiratory rate, temperature, oxygenation, and ventilation status;

(B) demonstrate patient positioning for respiratory comfort and procedures;

(C) demonstrate patient care techniques used in high stress respiratory therapy situations such as non-compliant, combative, and distressed patients; and

(D) demonstrate correct cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) skills.

(9) The student evaluates ethical behavioral standards and legal responsibilities in the respiratory therapy profession. The student is expected to:

(A) examine legal and ethical behavior standards such as the Patient's Bill of Rights, advanced directives, and the Health Insurance Portability and Accountability Act (HIPAA);

(B) investigate and discuss the legal and ethical ramifications of unacceptable behavior in therapeutic practice;

(C) research and describe role of professional associations and regulatory agencies; and

(D) describe ethical dilemmas in health care.

§127.430. *Respiratory Therapy II (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year.

(1) No later than August 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grade 12. Prerequisite: Respiratory Therapy I. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students

to further their education and succeed in current and emerging professions.

(2) The Health Science Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) Respiratory Therapy II is a technical lab course that addresses knowledge and skills related to critical care and cardiopulmonary medicine. Respiratory therapists are specialized healthcare practitioners trained in cardiopulmonary medicine to work therapeutically with people suffering from cardiopulmonary diseases. Students will learn advanced knowledge and skills performed by respiratory therapists using equipment such as stethoscopes, sphygmomanometers, thermometers, pulse oximeters and monitors, oxygen delivery devices (nasal cannula, masks of various types), nebulizers, airway clearance and hyperinflation therapy devices, spirometers, and intubation mannequin heads and equipment (endotracheal tubes, laryngoscopes, stylets).

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations, including:

- (A) work-based experiences/learning; and
- (B) volunteering/shadowing opportunities.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards and employability skills required by the respiratory therapy profession. The student is expected to:

(A) model professionalism associated with respiratory therapy such as adaptability, time management, punctuality, appreciation for diversity, decision-making, dedication, and organizational and leadership skills;

(B) demonstrate effective verbal and non-verbal communication in a clear and concise manner;

(C) demonstrate therapeutic communication appropriate to the situation, including communication with individuals with language differences or barriers and sensory loss;

(D) evaluate the effectiveness of conflict resolution techniques in various situations;

(E) demonstrate the ability to cooperate, contribute, and collaborate as a member of a team; and

(F) explore career options for respiratory therapy and preparation necessary for employment such as creating a cover letter and resume, completing an application, and conducting mock interviews.

(2) The student applies mathematics, science, English language arts, and social studies in respiratory therapy. The student is expected to:

(A) analyze complex technical material related to respiratory therapy;

(B) analyze how race, culture, and religion impact patient care;

(C) apply mathematical calculations related to respiratory therapy; and

(D) analyze biological and chemical processes that affect homeostasis in relation to cardiopulmonary diseases.

(3) The student applies safety standards for a respiratory therapy setting. The student is expected to:

(A) evaluate and apply standards and guidelines from entities, including the American Association for Respiratory Care (AARC), World Health Organization (WHO), Centers for Disease Control and Prevention (CDC), U.S. Food and Drug Administration (FDA), and Texas Commission on Environmental Quality (TCEQ), as they apply to cardiopulmonary diseases;

(B) demonstrate infection control standard and transmission-based precautions in the laboratory setting, including hand hygiene, equipment sterilization, and the use of personal protective equipment (PPE); and

(C) model industry safety standards, including standards for body mechanics, fire prevention, electrical safety, oxygen safety, and the handling of hazardous materials.

(4) The student explains the interactions between the cardiopulmonary and other body systems as they relate to wellness and diseases. The student is expected to:

(A) analyze the role of the autonomic nervous system in the regulation of the cardiopulmonary system as it pertains to health and illness;

(B) analyze the role of the urinary system in the regulation of the acid-base and fluid balance and in cardiopulmonary health and illness;

(C) investigate the interactions between body systems and cardiopulmonary diseases and disorders such as Guillain-Barré syndrome, Myasthenia Gravis, SARS-CoV-2 (Covid), Idiopathic Pulmonary Fibrosis (IPF), adult respiratory distress syndrome (ARDS), and congestive heart failure (CHF);

(D) differentiate between normal heart rhythms and common cardiac dysrhythmias such as ventricular fibrillation, ventricular tachycardia, and asystole attributed to malfunctions in other body systems; and

(E) discuss the role of respiratory therapists in the use of mechanical systems, including non-invasive and invasive mechanical ventilators and extracorporeal membrane oxygenation (ECMO), when the cardiopulmonary system fails.

(5) The student implements the knowledge and skills of a respiratory therapy professional used in a laboratory setting. The student is expected to:

(A) demonstrate breathing exercises commonly used for patients with cardiopulmonary disease;

(B) demonstrate airway management skills in a laboratory setting using equipment for intubation and airway maintenance such as endotracheal and tracheostomy tubes, endotracheal/tracheal suction catheters, laryngoscopes, bag valve mask devices, oral and nasal airways, tube fasteners, or tape;

(C) demonstrate airway clearance and hyperinflation therapies in a laboratory setting using equipment such as oscillating positive end pressure devices, high frequency chest wall oscillation devices, and an incentive spirometer;



(D) differentiate between normal lung and pathology in a chest X-ray;

(E) recognize typical and atypical arterial blood-gas values related to patient oxygenation and ventilation status;

(F) demonstrate the use of the oxygen therapy equipment such as nasal cannula, high flow nasal cannula, simple masks, air-entrainment masks, partial rebreather masks, non-rebreather masks, and non-invasive ventilators;

(G) demonstrate patient assessment methods, including inspection, auscultation, palpitation, and percussion;

(H) interpret and create a basic care plan for asthma and chronic obstructive pulmonary disease (COPD);

(I) demonstrate the role of a respiratory therapist during simulated emergency situations such as situations requiring a rapid response team and advanced cardiac life support; and

(J) describe the respiratory therapists' role in patient education regarding the disease process and proper use of medication and respiratory equipment.

(6) The student understands cardiopulmonary pharmaceutical agents and safety. The student is expected to:

(A) research and identify the application of medications used in respiratory therapy, including bronchodilators, inhaled corticosteroids, mucolytics, biologics, inhaled antibiotics, inhaled pulmonary vasodilators, and antivirals;

(B) evaluate indications, contraindications, and side effects of respiratory medications;

(C) demonstrate delivery methods of medication such as nebulizers and meter dose inhalers (MDI); and

(D) evaluate patient response to therapy before, during, and after respiratory treatments such as heart rate, blood pressure, respiration, and breath sounds.

(7) The student evaluates ethical behavioral standards and legal responsibilities in the respiratory therapy profession. The student is expected to:

(A) analyze legal and ethical scenarios as it relates to the Patient's Bill of Rights and the Health Insurance Portability and Accountability Act (HIPAA);

(B) evaluate the legal and ethical ramifications of unacceptable behavior in therapeutic practice; and

(C) describe ethical dilemmas in respiratory therapy such as advanced directives, palliative care, hospice, and end-of-life care.

(8) The student identifies academic preparation and skills necessary for employment in the field of respiratory therapy. The student is expected to:

(A) research and identify academic requirements for professional advancement such as credentials, certifications, licensure, registration, continuing education, and advanced degrees; and

(B) research and identify the path to obtain and maintain entry level licensure and credentialing.

*§127.431. Leadership and Management in Nursing (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.

(1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisites: one credit in biology, one credit in chemistry, and at least one credit in a course from the health science career cluster. Recommended prerequisite: Science of Nursing. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) This course is designed to explore leadership and management in nursing, studying topics such as ethics, educational levels, career paths, regulatory bodies, and personal and professional leadership skills.

(4) Students are encouraged to participate in extended learning experiences such as Health Occupations Students of America (HOSA), Skills USA, career and technical student organizations, and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate verbal and non-verbal communication in a clear, concise, and effective manner; and

(B) exhibit the ability to cooperate, contribute, and collaborate as a member of a team.

(2) The student understands the different educational levels of licensed nurses and applicable careers and career pathways. The student is expected to:

(A) compare the differences between the educational requirements and roles of a licensed vocational nurse and a registered nurse;

(B) diagram the educational requirements of a registered nurse, including diploma, associate degree, bachelor's degree, master's degree, and doctoral degree;

(C) identify the different specializations of a nurse with a master's degree such as family nurse practitioner, nurse informaticist, nurse midwife, and nurse educator;

(D) differentiate the roles of the Doctor of Philosophy (PhD) and the Doctor of Nursing Practice (DNP) prepared nurse; and

(E) develop a six-year career plan in nursing.

(3) The student understands the functions of leadership in nursing. The student is expected to:

(A) illustrate or diagram the relationship and progression within the hierarchy of nursing leadership;

(B) identify critical skills and competencies for each level in the hierarchy of nursing leadership;

(C) present and examine the impact of each level of nursing in the hierarchy of leadership; and

(D) investigate and analyze different leadership styles and how they are used in different situations.

(4) The student demonstrates personal and professional leadership qualities and competencies. The student is expected to:

(A) identify different personal growth practices such as self-reflection, introspection, self-care, and journaling;

(B) describe and demonstrate intrapersonal skills such as empathy, patience, risk-taking, confidence, integrity, personal values and ethics, punctuality, and goal setting;

(C) examine personal and professional values and ethics;

(D) research and develop a plan to coach and mentor others; and

(E) evaluate decision-making processes such as delegation, problem-solving processes such as conflict management, and processes to support patient satisfaction, patient safety, and patient advocacy.

(5) The student demonstrates the appropriate use of communication techniques. The student is expected to:

(A) examine communication platforms and apply the appropriate professional response in different mediums such as telephone, email, text, electronic health records, and face to face;

(B) demonstrate professional written and verbal communication skills for individuals and teams using communication tools such as Situation Background Assessment and Recommendation (SBAR) and Acknowledge Introduce Duration Explanation and Thank you (AIDET);

(C) determine appropriate communication methods for urgent, emergent, and non-urgent situations such as team strategies and tools to enhance performance and patient safety (TeamSTEPS); and

(D) demonstrate receiving and giving constructive criticism.

(6) The student understands the definition and application of time management. The student is expected to:

(A) demonstrate how to create an agenda that prioritizes tasks, duties, and responsibilities that must be completed, including required meetings and communications;

(B) differentiate goals that advance professional growth and responsibility and non-professional goals;

(C) identify factors that inhibit the good use of time and apply strategies that mitigate the loss of time; and

(D) demonstrate how to manage long- and short-term personal and professional schedules by creating and updating a yearly calendar.

(7) The student understands how to build and manage interdisciplinary teams and facilitate teamwork. The student is expected to:

(A) define and explain the purpose of an interdisciplinary team and the role of each member;

(B) develop a plan for creating a team through team-building exercises, culture and climate awareness, and interpersonal skills;

(C) define and apply techniques to manage personal conflict within teams; and

(D) describe the stages of team evolution such as forming, storming, norming, performing, and transforming.

(8) The student understands regulatory agencies and boards and their related requirements. The student is expected to:

(A) identify the role and responsibility of the Board of Nursing, including establishing graduation and licensure requirements;

(B) identify federal, state, and local regulatory agencies such as local hospital boards, Health and Human Services, The Joint Commission, and Center for Medicare and Medicaid Services;

(C) define and identify the nursing scope of practice;

(D) compare the difference between a certification and licensure; and

(E) compare the role of the Board of Nursing and professional nursing organizations.

§127.432. *Practicum in Nursing (Two Credits), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year.

(1) No later than August 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: one credit in biology, one credit in chemistry, and at least one course in a Level 2 or higher course in the nursing science program of study. Recommended prerequisites:

Science of Nursing, Medical Terminology, and Anatomy and Physiology. Students shall be awarded two credits for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) Practicum in Nursing is designed to give students practical applications of previously studied knowledge and skills. Practicum experiences can occur in a variety of locations appropriate to the nature and level of experience.

(4) To pursue a career in the nursing industry, students should learn to reason, think critically, make decisions, solve problems, and communicate effectively. Students should recognize that quality health care depends on the ability to work well with others.

(5) The health care industry is comprised of diagnostic, therapeutic, health informatics, support services, and biotechnology research and development systems that function individually and collaboratively to provide comprehensive health care. Students recognize the employment opportunities, technology, and safety requirements of each system. Students are expected to apply the knowledge and skills necessary to pursue a health science certification or licensure through further education and employment.

(6) Professional integrity in the health care industry is dependent on acceptance of ethical and legal responsibilities. Students are expected to employ their ethical and legal responsibilities, recognize limitations, and understand the implications of their actions.

(7) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(8) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate verbal and non-verbal communication in a clear, concise, and effective manner; and

(B) demonstrate the ability to cooperate, contribute, and collaborate as a member of a team.

(2) The student applies mathematics, science, English language arts, and social sciences in nursing. The student is expected to:

(A) solve mathematical calculations appropriate to situations in a health-related environment;

(B) communicate using medical terminology;

(C) express ideas in writing and develop skills in documentation;

(D) interpret complex technical material related to the health science industry;

(E) summarize biological and chemical processes that maintain homeostasis;

(F) explain changes in body structure due to trauma and disease; and

(G) research the global impact of disease prevention and cost containment.

(3) The student models ethical behavior standards and legal responsibilities. The student is expected to:

(A) apply facility and industry standard policies and procedures, including the Health Insurance Portability and Accountability Act (HIPAA);

(B) research and present case studies related to legal and ethical issues in health care;

(C) recognize and analyze professional boundaries of patient relationships; and

(D) model safe practices, including infection control, proper body mechanics, and patient handling.

(4) The student explores the knowledge and skills of the nursing process for assessment. The student is expected to:

(A) perform and assess subjective data during a patient intake in a clinical or simulated setting by:

(i) performing a complete health history, including family and social data; and

(ii) assessing the chief complaint, history of present illness, past medical history, and a review of systems; and

(B) perform and assess objective data during a patient intake in a clinical or simulated setting by demonstrating:

(i) the skill of obtaining core vital signs;

(ii) the skill of obtaining and assessing height and weight and weight fluctuations; and

(iii) the performance of a head-to-toe physical assessment.

(5) The student explores the knowledge and skills of the nursing process for implementation or intervention. The student is expected to:

(A) demonstrate the proper use and application of medical equipment related to oxygen therapy, glucometers, pulse oximeters, catheters, incentive spirometers, mobility devices, patient handling devices, and electric hospital beds and chairs;

(B) demonstrate patient care, including care related to activities of daily living (ADL), patient positioning, patients' range of motion, basic first aid, patient transfers, and patient transport;

(C) demonstrate skills related to or acquire basic life support (BLS) certification as required by industry standards; and

(D) demonstrate the skills necessary to track nutrition and elimination such as input and output (I&O) and types of diets.

(6) The student explores the knowledge and skills of the nursing process of evaluation and re-evaluation. The student is expected to:

(A) compare normal and abnormal healthcare data;

(B) identify how to report trends and abnormal findings to appropriate personnel according to facility protocols; and

(C) explain the significance of abnormal findings.

(7) The student explores the knowledge and skills of the nursing process of documentation. The student is expected to:

(A) document objective data using medical terminology;

(B) document subjective data using medical terminology; and

(C) record documentation using various models such as Situation, Background, Assessment, and Recommendation (SBAR); Acknowledge, Introduce, Duration, Explanation, and Thank you (AIDET); and Subjective, Objective, Assessment Plan (SOAP).

(8) The student provides care for diverse populations such as persons from varying age groups and persons with physical limitations or mental health needs in clinical or simulated environment. The student is expected to:

(A) demonstrate appropriate usage of verbal and non-verbal communication techniques for providing care to persons from diverse populations; and

(B) apply appropriate techniques for assessments and care.

(9) The student is expected to provide culturally appropriate care. The student is expected to:

(A) use culturally appropriate verbal and non-verbal communication skills; and

(B) demonstrate patient interaction strategies for assessments and care.

§127.433. *Medical Microbiology (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisites: one credit in biology, one credit in chemistry, and at least one credit in a course from the health science career cluster. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Health Science Career Cluster focuses on planning, managing, and providing therapeutic services, diagnostic services, health informatics, support services, and biotechnology research and development.

(3) The Medical Microbiology course is designed to explore the microbial world, studying topics such as pathogenic and non-pathogenic microorganisms, laboratory procedures, identifying microorganisms, drug-resistant organisms, and emerging diseases.

(4) Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(5) Students are expected to know that:

(A) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(B) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(6) Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.

(A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.

(7) Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students should be able to distinguish between scientific decision-making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).

(8) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy

occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested, while models allow for boundary specification and provide a tool for understanding the ideas presented. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(9) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(10) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate verbal and non-verbal communication in a clear, concise, and effective manner;

(B) demonstrate the ability to cooperate, contribute, and collaborate as a member of a team; and

(C) locate, evaluate, and interpret career options, opportunities, and postsecondary transitions relating to the field of microbiology.

(2) The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as microscopes, slides, streak plates, inoculating loops, Bunsen burners, striker, hot plate, petri dish, agar and other growth mediums, reactive agents, personal protective equipment (PPE), disposable pipettes, lab glassware and instruments, bacterium and other live microbial agents, enzymes, computer software and probes, incubator, and autoclave;

(E) collect quantitative data using the International System of Units (SI) and United States customary units and qualitative data as evidence;

(F) organize quantitative and qualitative data using equipment such as graphing calculator, computer software and probes, graphic organizers;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(3) The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or

correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(4) The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(5) The student knows the contributions of scientists and engineers and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists and engineers as related to the content; and

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) or health science field in order to investigate careers.

(6) The student examines the field of microbiology in relation to medical care. The student is expected to:

(A) examine the historical development of microbiology as it relates to health care of an individual in modern medicine; and

(B) compare the roles, functions, and responsibilities of agencies governing infectious disease control.

(7) The student is expected to perform and analyze results in the microbiology laboratory. The student is expected to:

(A) classify microorganisms using a dichotomous key;

(B) prepare slides and discuss the differences between Gram positive and Gram negative bacteria such as the bacterial cell wall and the use of oxygen;

(C) identify chemical processes such as enzyme catalyst and osmotic potential of microorganisms;

(D) identify and discuss technologies used in a laboratory setting such as polymerase chain reaction (PCR), serology, enzyme-linked immunoassay (ELISA), and electrophoresis;

(E) prepare plates or active mediums to differentiate the factors required for microbial reproduction and growth;

(F) identify the normal flora microorganisms of the human body;

(G) identify and differentiate between various pathogens, including opportunistic pathogens, hospital-acquired infections, community-acquired infections, and colonizing microorganisms;

(H) isolate colonies and describe the morphology of microorganisms; and

(I) interpret and explain the role of the culture and sensitivity report provided to the clinician.

(8) The student examines the role of microorganisms in infectious diseases. The student is expected to:

(A) outline and explain the infectious disease process, including how pathogenic microorganisms affect human body systems;

(B) categorize diseases caused by bacteria, including *Rickettsia*, fungi, viruses, protozoa, arthropods, and helminths;

(C) explain and interpret the body's immune responses and defenses against infection;

(D) prepare a bacterial colony and evaluate the effects of anti-microbial agents such as narrow and broad-spectrum antibiotics;

(E) examine the environmental and social causes of the emergence and reemergence of diseases such as corona viruses, Ebola, malaria, tuberculosis, and polio;

(F) research and discuss drug aureus-resistant microorganisms, including carbapenem-resistant Enterobacteriaceae, methicillin-resistant *Staphylococcus aureus*, vancomycin-intermediate/resistant *Staphylococci*, vancomycin-resistant enterococci, and emergent antibiotic-resistant superbugs; and

(G) outline the role of governing agencies in monitoring and establishing guidelines based on the spread of infectious diseases.

(9) The student recognizes the importance of maintaining a safe environment and eliminating hazardous situations. The student is expected to:

(A) identify and apply standard laboratory precautions;

(B) identify and apply microbiological safety practices in accordance with industry standards, including the proper handling, disinfection, and disposal of biological waste and maintenance of containment levels;

(C) identify and apply appropriate personal protection equipment (PPE) and transmission-based precautions, including precautions against droplet, contact, and airborne transmission;

(D) sterilize laboratory and medical equipment and instruments in accordance with industry standards; and

(E) define and select different mechanisms of decontamination such as antiseptics, disinfection, and sterilization.

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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## SUBCHAPTER J. HOSPITALITY AND TOURISM

### 19 TAC §127.482

**STATUTORY AUTHORITY.** The new sections are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to by rule identify 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; TEC, §28.002(n), which allows the SBOE to by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technical education (CTE) curriculum required in TEC, §28.002; TEC, §28.002(o), which requires the SBOE to determine that at least 50% of the approved CTE courses are cost effective for a school district to implement; TEC, §28.025(a), which requires the SBOE by rule to determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002; TEC, §28.025(b-2), which requires the SBOE by rule to allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under TEC, §28.025(b-1)(2), or the third and fourth science credits under TEC, §28.025(b-1)(3), by successfully completing a CTE course designated by the SBOE as containing substantially similar and rigorous content; and TEC, §28.025(b-17), which requires the SBOE by rule to ensure that a student may comply with curriculum requirements under TEC, §28.025(b-1)(6), by successfully completing an advanced CTE course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.

**CROSS REFERENCE TO STATUTE.** The new sections implement Texas Education Code, §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2) and (b-17).

§127.482. *Food Science (One Credit), Adopted 2021.*

(a) **Implementation.** The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this

subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: one credit in biology, one credit in chemistry, and at least one credit in a Level 2 or higher course from the hospitality and tourism career cluster. Recommended prerequisite: Principles of Hospitality and Tourism. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Hospitality and Tourism Career Cluster focuses on the management, marketing, and operations of restaurants and other food/beverage services, lodging, attractions, recreation events, and travel-related services.

(3) In Food Science, students examine the nature and properties of foods, food microbiology, and the principles of science in food production, processing, preparation, and preservation; use scientific methods to conduct laboratory and field investigations; and make informed decisions using critical thinking and scientific problem solving. This course provides students a foundation for further study that leads to occupations in food and beverage services; the health sciences; agriculture, food, and natural resources; and human services.

(4) Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(5) Scientific hypotheses and theories. Students are expected to know that:

(A) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(B) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(6) Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative in-

vestigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.

(A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.

(7) Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students should be able to distinguish between scientific decision-making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).

(8) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested, while models allow for boundary specification and provide a tool for understanding the ideas presented. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(9) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(10) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by the food service business and industry. The student is expected to:

(A) apply interpersonal communication skills in the food service business and industry settings;

(B) explain and recognize the value of collaboration within the workplace;

(C) examine the importance of time management to succeed in the workforce;

(D) identify work ethics and professionalism in a job setting;

(E) describe problem-solving and critical-thinking skills used in the workplace; and

(F) explore careers and professions in food science.

(2) The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as calculators, spreadsheet software, data-collecting probes, computers, standard laboratory glassware, microscopes, various prepared slides, metric rulers, electronic balances, hand lenses, Celsius thermometers, hot plates, lab notebooks or journals, timing devices, cameras, Petri dishes, lab incubators, and models, diagrams, or samples of biological specimens or structures, vacuum sealer, oven, cook top, cookware, bakeware, cutlery, and measuring cups and spoons;

(E) collect quantitative data using the International System of Units (SI) and United States customary units and qualitative data as evidence;

(F) organize quantitative and qualitative data using lab reports, labeled drawings, graphic organizers, journals, summaries, oral reports, and technology-based reports;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(3) The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(4) The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(5) The student knows the contributions of scientists and engineers and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-ben-

efit analysis, and contributions of diverse scientists and engineers as related to the content; and

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics or food science field.

(6) The student analyzes household and commercial sustainability and regulatory practices in food production. The student is expected to:

(A) research and investigate resource use, sustainability, and conservation in food production such as with water, land, and oceans;

(B) analyze the effect of food on the decomposition cycle, including composting, recycling, and disposal; and

(C) demonstrate appropriate methods for sorting and disposing of food waste, including fats and oils, and packaging waste from food production.

(7) The student analyzes the role of acids and bases in food science. The student is expected to:

(A) evaluate physical and chemical properties of acids and bases; and

(B) analyze the relationship of pH to the properties, safety, and freshness of food.

(8) The student evaluates the principles of microbiology and food safety practices. The student is expected to:

(A) investigate the properties of microorganisms that cause food spoilage;

(B) compare food intoxication and food infection;

(C) examine methods to destroy or inactivate harmful pathogens in foods;

(D) compare beneficial and harmful microorganisms, including lactic acid bacteria, acetic acid bacteria, various baking and brewing yeasts, *E. coli*, *Staphylococcus*, *Clostridium botulinum*, *Clostridium perfringens*, *Salmonella*, *Listeria*, and *Shigella*;

(E) analyze sanitary food-handling practices such as personal hygiene or equipment sanitation; and

(F) prepare for a state or national food manager sanitation certification or alternative credential within the field of food science technology.

(9) The student examines the chemical properties of food. The student is expected to:

(A) describe acids, bases, salts, carbohydrates, lipids, proteins and other elements, compounds, and mixtures related to food science;

(B) compare heterogeneous and homogeneous mixtures;

(C) analyze chemical and physical changes in food; and

(D) use chemical symbols, formulas, and equations in food science such as oxidation of sugars in a cut apple or fermentation in the production of yogurt.

(10) The student analyzes solutions, colloids, solids, gels, foams, and emulsions in food science. The student is expected to:



(A) identify the solvent and solute in various solutions such as brines;

(B) compare unsaturated, saturated, and supersaturated solutions, including their effects on boiling and freezing points in food preparation such as when making candy or ice cream;

(C) calculate the concentration of a solution using mass percent such as the concentration of sugar needed for crystallization;

(D) describe the properties of colloidal dispersions such as gelatin, mayonnaise, or milk;

(E) differentiate between and give examples of temporary, semi-permanent, and permanent emulsions;

(F) investigate the relationships between the three parts of a permanent emulsion; and

(G) create temporary, semi-permanent, and permanent food emulsions.

(11) The student analyzes the functions of enzymes in food science. The student is expected to:

(A) describe the role of enzymes as catalysts in chemical reactions of food, including cheese-making, the enzymatic tenderization of meat, and oxidation of sugars in fruit;

(B) explain the relationship between an enzyme and a substrate;

(C) analyze the functions of enzymes in digestion, including the factors that influence enzyme activity, and relate enzymatic activity in digestion to dietary restrictions; and

(D) analyze enzyme reactions in food preparation, including cheese-making, the enzymatic tenderization of meat, and oxidation of sugars in fruit.

(12) The student evaluates the role of fermentation in food science. The student is expected to:

(A) analyze modern and historical reasons food is fermented;

(B) describe the conditions under which bacterial fermentation of food occurs and use chemical equations to describe the products of fermentation; and

(C) prepare various fermented food products.

(13) The student assesses the reaction of leavening agents in baked products. The student is expected to:

(A) describe the physical and chemical changes that occur in leavening;

(B) identify various leavening agents and describe their functions in food production;

(C) use chemical equations to describe how acids act as leavening agents;

(D) conduct laboratory experiments with various types and amounts of leavening agents to compare the doughs and batters produced; and

(E) create baked products using various leavening agents.

(14) The student explores the roles of food additives. The student is expected to:

(A) evaluate the various types of food additives such as incidental, intentional, natural, and artificial;

(B) investigate the various functions of food additives such as preserving food, increasing nutritive value, and enhancing sensory characteristics; and

(C) research local, state, national, and international agencies involved in regulating food additives.

(15) The student analyzes the effects of heat energy transfer in food production. The student is expected to:

(A) analyze the relationship between molecular motion and temperature;

(B) compare heat transfer processes, including conduction, convection, and radiation;

(C) investigate the role of phase changes in food production, including crystallization, coagulation, and reduction; and

(D) demonstrate rates of reaction using various temperatures and describe the effects of temperature on the characteristics of food products.

(16) The student evaluates the properties of carbohydrates in food and their effects on food production. The student is expected to:

(A) identify the physical properties and chemical structures of simple and complex carbohydrates;

(B) describe the functions of carbohydrates such as caramelization, crystallization, and thickening agents in food production;

(C) describe the processes of gelatinization and retrogradation in food production; and

(D) create food products using simple and complex carbohydrates.

(17) The student evaluates the properties of fats in food and their effects on food production. The student is expected to:

(A) identify the physical properties and chemical structures of saturated and unsaturated fats;

(B) describe the functions of different types of fats in food production;

(C) demonstrate methods for controlling fat oxidation;

(D) analyze the effects of temperature on fats in food preparation;

(E) conduct laboratory experiments using the scientific processes to explore the functions of fats in food production; and

(F) create food products using saturated and unsaturated fats.

(18) The student evaluates the properties of proteins and their effects on food production. The student is expected to:

(A) identify the physical properties and chemical structures of proteins;

(B) explain the processes of protein denaturation, coagulation, and syneresis;

(C) describe the functions and uses of proteins such as in emulsions, foams, and gluten formation;

(D) analyze the effects of moisture and temperature on protein in food production such as moist and dry heat methods for preparation; and

(E) create food products using protein.

(19) The student evaluates the properties of vitamins and minerals and their interrelationships in food production. The student is expected to compare the effects of food production on water- and fat-soluble vitamins and minerals.

(20) The student evaluates the properties of water and their effects on food production. The student is expected to:

(A) identify the properties of water, including as a solvent or medium, and its effects on food production; and

(B) compare the effects of hard and soft water on food production.

(21) The student explains nutritional aspects of food production. The student is expected to:

(A) describe how variations in human digestion and metabolism affect dietary modifications;

(B) identify common and special dietary modifications such as for food allergies, intolerances, or medical conditions;

(C) develop and modify recipes for dietary differences such as allergies and intolerances or for personal health preferences such as low-fat or sugar-free; and

(D) plan and create a dining experience using the most recent USDA dietary guidelines.

(22) The student analyzes processes that manage bacteria to safe levels during food production. The student is expected to investigate processes that manage food bacteria such as dehydration, pasteurization, and food irradiation.

(23) The student examines packaging and labeling guidelines. The student is expected to:

(A) research and evaluate federal food packaging regulations, including the information required on a food label;

(B) compare global food packaging regulations to those of the United States; and

(C) analyze the effectiveness of commercial food packaging for specific foods.

(24) The student analyzes food preservation processes. The student is expected to:

(A) describe the benefits of food preservation;

(B) compare various methods of household and commercial dehydration, canning, and freezing; and

(C) create a food product using a selected preservation method.

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 April 6, 2022.

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Cristina De La Fuente-Valadez

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Texas Education Agency

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

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## SUBCHAPTER M. LAW AND PUBLIC SERVICE

### 19 TAC §127.652

**STATUTORY AUTHORITY.** The new sections are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to by rule identify 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; TEC, §28.002(n), which allows the SBOE to by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technical education (CTE) curriculum required in TEC, §28.002; TEC, §28.002(o), which requires the SBOE to determine that at least 50% of the approved CTE courses are cost effective for a school district to implement; TEC, §28.025(a), which requires the SBOE by rule to determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002; TEC, §28.025(b-2), which requires the SBOE by rule to allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under TEC, §28.025(b-1)(2), or the third and fourth science credits under TEC, §28.025(b-1)(3), by successfully completing a CTE course designated by the SBOE as containing substantially similar and rigorous content; and TEC, §28.025(b-17), which requires the SBOE by rule to ensure that a student may comply with curriculum requirements under TEC, §28.025(b-1)(6), by successfully completing an advanced CTE course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.

**CROSS REFERENCE TO STATUTE.** The new sections implement Texas Education Code, §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2) and (b-17).

§127.652. *Forensic Science (One Credit), Adopted 2021.*

(a) **Implementation.** The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year.

(1) No later than August 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. The course is recommended for students in Grades 11 and 12. Prerequisites: one credit in biology, one credit in chemistry, integrated physics and chemistry, or physics. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Law and Public Service Career Cluster focuses on planning, managing, and providing legal services, public safety, protective services, and homeland security, including professional and technical support services.

(3) Forensic Science is a survey course that introduces students to the application of science to law. Students learn terminology and procedures related to the collection and examination of physical evidence using scientific processes performed in a field or laboratory setting. Students also learn the history and the legal aspects of forensic science.

(4) Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(5) Students are expected to know that:

(A) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(B) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(6) Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.

(A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.

(7) Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students should be able to distinguish between scientific decision-making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).

(8) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested, while models allow for boundary specification and provide a tool for understanding the ideas presented. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(9) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(10) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to demonstrate professional standards/employability skills such as demonstrating good attendance, punctuality, and ethical conduct; meeting deadlines, and working toward personal and team goals.

(2) The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools and equipment such as scientific calculators, computers, internet access, digital cameras, video recording devices, meter sticks, metric rulers, measuring tapes, digital range finders, protractors, calipers, light microscopes up to 100x magnification, hand lenses, stereoscopes, digital scales, dissection equipment, standard laboratory glassware, appropriate personal protective equipment (PPE), an adequate supply of consumable chemicals, biological specimens, prepared evidence slides and samples, evidence packaging and tamper evident tape, evidence tents, crime scene tape, L-rulers, American Board of Forensic Odontology (ABFO) scales, alternate light sources (ALS) and ALS protective goggles, blood specimens, blood presumptive tests, glass samples of various chemical composition, human and non-human bones, fingerprint brushes and powders, lifting tapes and cards, ten-print cards and ink pads, swabs with containers, disposable gloves, and relevant and necessary kits;

(E) collect quantitative data with accuracy and precision using the International System of Units (SI) and United States customary units and qualitative data as evidence;

(F) organize quantitative and qualitative data using appropriate methods of communication such as reports, graphs, tables, or charts;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(3) The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(4) The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(5) The student knows the contributions of scientists and engineers and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists and engineers as related to the content; and

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field.

(6) The student explores the history of forensic science. The student is expected to:

(A) analyze the historical development and current advancements of different forensic science disciplines such as forensic biology, anthropology/odontology, forensic chemistry, trace evidence, ballistics, fingerprints, digital forensics, and questioned documents; and

(B) explain significant historical and modern contributions to the development and advancement of forensic science made by

contributors such as Edmond Locard, Mathieu Orfila, Francis Galton, Edwin Henry, and Alec Jeffreys.

(7) The student analyzes legal aspects within forensic science. The student is expected to:

(A) summarize the ethical standards required of a forensic science professional;

(B) identify and explain knowledge of terminology and procedures employed in the criminal justice system as they pertain to the chain of custody procedure for evidence;

(C) identify and explain knowledge of terminology and procedures employed in the criminal justice system as they pertain to expert witness testimony;

(D) research and discuss the effect of biases such as confirmation bias and framing cognitive bias on evidence collection, forensic analysis, and expert testimony; and

(E) compare the admissibility of expert witness testimony in terms of the Frye Standard and the Daubert Standard under federal rules of evidence.

(8) The student explores career options within forensic science. The student is expected to:

(A) explore and describe discipline-specific requirements for careers in forensic science, including collegiate course requirements, licensure, certifications, and physical and mental capabilities;

(B) differentiate the roles and responsibilities of professionals in the criminal justice system, including forensic scientists, crime scene investigators, criminologists, court systems personnel, and medicolegal death investigations; and

(C) differentiate the functions of various forensic science disciplines such as forensic biology, forensic chemistry, trace evidence, ballistics, fingerprints, digital forensics, and questioned documents.

(9) The student recognizes the procedures of crime scene investigation while maintaining scene integrity. The student is expected to:

(A) explain the roles and tasks needed to complete a crime scene examination, which may require collaboration with outside experts and agencies, and demonstrate the ability to work as a member of a crime scene team;

(B) develop a detailed, technical written record based on observations and activities, documenting the crime scene examination;

(C) discuss the elements of criminal law that guide search and seizure of persons, property, and evidence;

(D) conduct a primary and secondary systematic search of a simulated crime scene for physical evidence utilizing search patterns such as spiral, line, grid, and zone;

(E) document a crime scene using photographic or audiovisual equipment;

(F) generate a physical or digital crime scene sketch, including coordinates or measurements from fixed points, compass directions, scale of proportion, legend-key, heading, and title block; and

(G) demonstrate proper techniques for collecting, packaging, and preserving physical evidence found at a crime scene while maintaining documentation, including chain of custody.

(10) The student analyzes fingerprint evidence in forensic science. The student is expected to:

(A) compare the three major fingerprint patterns of arches, loops, and whorls;

(B) identify the minutiae of fingerprints, including bifurcations, ending ridges, dots, short ridges, and enclosures/islands;

(C) distinguish between patent, plastic, and latent impressions;

(D) perform procedures for developing and lifting latent prints on nonporous surfaces using cyanoacrylate and fingerprint powders;

(E) perform procedures for developing latent prints using chemical processes on porous and adhesive surfaces with chemicals such as ninhydrin and crystal violet and documenting the results via photography; and

(F) explain the Integrated Automated Fingerprint Identification System (IAFIS) and describe the implications of Next Generation Identification (NGI) systems.

(11) The student collects and analyzes impression evidence in forensic science. The student is expected to:

(A) analyze the class and individual characteristics of tool mark impressions and the recovery and documentation of surface characteristics such as wood or metal;

(B) analyze the class and individual characteristics of footwear impressions and the recovery and documentation of surface characteristics such as soil or organic plant material;

(C) analyze the class and individual characteristics of tire tread impressions and the recovery documentation of surface characteristics such as soil or organic plant material; and

(D) compare impression evidence collected at a simulated crime scene with the known impression.

(12) The student recognizes the methods to process and analyze hair and fibers found in a crime scene. The student is expected to:

(A) demonstrate how to collect hair and fiber evidence at a simulated crime scene;

(B) perform the analysis of hair and fiber evidence using forensic science methods such as microscopy and flame testing;

(C) compare the microscopic characteristics of human hair and non-human hair, including medulla, pigment distribution, and scales;

(D) describe and illustrate the different microscopic characteristics used to determine the origin of a human hair sample; and

(E) differentiate between natural and synthetic fibers.

(13) The student recognizes the methods to process and analyze glass evidence. The student is expected to:

(A) demonstrate how to collect and preserve glass evidence;

(B) compare the composition of various types of glass such as soda lime, borosilicate, leaded, and tempered;

(C) determine the direction of a projectile by examining glass fractures; and

(D) define refractive index and explain how it is used in forensic glass analysis.

(14) The student explores principles of questioned document analysis in the physical and digital form. The student is expected to:

(A) research and explain different types of examinations performed on digital and physical evidence in a forensic laboratory such as digital data recovery, counterfeiting, ink, and paper analysis;

(B) investigate and describe the security features incorporated in U.S. and foreign currency to prevent counterfeiting; and

(C) perform handwriting comparisons of an unknown sample with exemplars by analyzing characteristics such as letter, line, and formatting.

(15) The student evaluates firearms and ballistics evidence. The student is expected to:

(A) describe the mechanism of modern firearms such as long guns and handguns;

(B) identify the components and characteristics of bullet and cartridge cases;

(C) describe the composition of and method of analysis for gunshot residue and primer residue;

(D) conduct and calculate trajectory analysis of bullet strikes within a simulated crime scene; and

(E) identify and recognize the type of information available through the National Integrated Ballistics Information Network.

(16) The student identifies controlled and illicit substances. The student is expected to:

(A) differentiate between toxicological analysis and controlled substance analysis as they relate to the method of collection and impact on the body;

(B) classify controlled substances using the schedules under the Controlled Substances Act; and

(C) identify unknown substances using presumptive and confirmatory procedures such as microchemical/color indicating reagent field tests, microscopy, chromatography, and spectrophotometry.

(17) The student explores toxicology in forensic science. The student is expected to:

(A) explain the absorption, distribution, metabolism, and elimination of toxins such as alcohol, prescription drugs, controlled substances, and carbon monoxide through the human body;

(B) describe presumptive and confirmatory laboratory procedures as they relate to toxicological analysis such as head space analysis, solid-phase extractions, gas chromatography-mass spectrometry (GC/MS), color tests, and immunoassays;

(C) interpret results from presumptive and confirmatory laboratory procedures, including GC/MS and their implications; and

(D) explain the precautions necessary in the forensic laboratory for proper preservation of biological samples.

(18) The student analyzes blood spatter at a simulated crime scene. The student is expected to:

(A) analyze blood stain patterns based on surface type and appearance such as size, shape, distribution and location in order to determine the mechanism by which the patterns are created;

(B) explain the methods of chemically enhancing latent blood patterns using reagents such as Blue Star or Amido Black; and

(C) conduct and interpret blood presumptive tests for various biologicals such as phenolphthalein and tetramethylbenzidine (TMB).

(19) The student analyzes the foundations and methodologies surrounding the processing of biological evidence for the purpose of identification. The student is expected to:

(A) identify different types of biological samples and practice proper collection and preservation techniques;

(B) identify the red blood cell antigens and antibodies as they relate to human blood types;

(C) describe the structure of a deoxyribonucleic acid (DNA) molecule and its function;

(D) explain the analytical procedure for generating a DNA profile, including extraction, quantification, amplification, and capillary electrophoresis;

(E) explain the different methodologies surrounding the different types of DNA analysis such as short tandem repeats (STRs), Y-STRs, mitochondrial DNA, and single nucleotide polymorphisms (SNPs);

(F) interpret the components of an electropherogram; and

(G) explore the databasing systems associated with DNA such as Combined DNA Index System (CODIS) and ancestry-based databasing systems.

(20) The student explores the principles surrounding medicolegal death investigations. The student is expected to:

(A) explain the principles of rigor, algor, and livor mortis and how they apply to deceased persons;

(B) differentiate between the types of wound patterns such as lacerations and blunt force trauma resulting from stabbings, bludgeoning, gunshots, and strangulations;

(C) determine cause and manner of death from an autopsy report obtained through resources such as case studies, simulated autopsies, and dissections; and

(D) determine the approximate time of death using entomology.

(21) The student explores principles of anthropology and odontology relevant to forensic science. The student is expected to:

(A) identify the major bones of the human skeletal system;

(B) compare composition and structure of human and non-human bones;

(C) describe the collection and preservation methods for bone evidence;

(D) explain the characteristics of the human skeletal system indicative of specific biological sex and approximate range of age and height; and

(E) explain how human remains are identified through dental records such as dentures, x-rays, and implants.

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 O. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS

### 19 TAC §§127.778 - 127.782, 127.785 - 127.787

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to by rule identify 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; TEC, §28.002(n), which allows the SBOE to by rule develop and implement a plan designed to incorporate foundation curriculum requirements into the career and technical education (CTE) curriculum required in TEC, §28.002; TEC, §28.002(o), which requires the SBOE to determine that at least 50% of the approved CTE courses are cost effective for a school district to implement; TEC, §28.025(a), which requires the SBOE by rule to determine the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002; TEC, §28.025(b-2), which requires the SBOE by rule to allow a student to comply with the curriculum requirements for the third and fourth mathematics credits under TEC, §28.025(b-1)(2), or the third and fourth science credits under TEC, §28.025(b-1)(3), by successfully completing a CTE course designated by the SBOE as containing substantially similar and rigorous content; and TEC, §28.025(b-17), which requires the SBOE by rule to ensure that a student may comply with curriculum requirements under TEC, §28.025(b-1)(6), by successfully completing an advanced CTE course, including a course that may lead to an industry-recognized credential or certificate or an associate degree.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§7.102(c)(4); 28.002(a), (c), (n), and (o); and 28.025(a), (b-2) and (b-17).

§127.778. *Principles of Bioscience (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year.

(1) No later than August 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 9 and 10. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services such as laboratory and testing services and research and development services.

(3) Principles of Bioscience provides an overview of biotechnology, bioengineering, and related fields. Topics related to genetics, proteins, and nucleic acids reinforce the applications of Biology content. Students will further study the increasingly important agricultural, environmental, economic, and political roles of bioenergy and biological remediation; the roles of nanoscience and nanotechnology in biotechnology medical research; and future trends in biological science and biotechnology.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate how to dress appropriately, speak politely, and conduct oneself in a manner appropriate for the profession;

(B) show the ability to cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;

(C) present written and oral communication in a clear, concise, and effective manner;

(D) demonstrate time-management skills in prioritizing tasks, following schedules, and performing goal-relevant activities in a way that produces efficient results; and

(E) demonstrate punctuality, dependability, reliability, and responsibility in performing assigned tasks as directed.

(2) The student explores biotechnology career opportunities. The student is expected to:

(A) determine interests in the field of biotechnology through explorations such as career assessments, interactions with biotechnology professionals, media, and literature;

(B) identify career options in the field of biotechnology;

(C) identify reliable sources of career information;

(D) research and communicate interests, knowledge, educational level, abilities, and skills needed in a biotechnology-related occupation;

(E) identify conventional and non-conventional career opportunities that match interests and aptitudes;

(F) research applications of biotechnology in medicine, the environment, and settings such as pharmaceutical, agricultural, and industrial;

(G) use technology to research biotechnology topics, including identifying and selecting appropriate scholarly references; and

(H) analyze and discuss professional publications such as academic and peer-reviewed journals and technical reports.

(3) The student evaluates ethical and legal issues in biotechnology. The student is expected to:

(A) identify current ethical and legal issues;

(B) describe the history of biotechnology and related ethical and legal issues;

(C) discuss legal and technology issues for at least two biotechnology-related areas; and

(D) analyze examples of biotechnology views supported by objective and subjective sources such as scientific data, economic data, and sociocultural contexts.

(4) The student examines federal, state, local, and industry regulations as applied to biotechnological processes through researching credible sources. The student is expected to:

(A) identify local, state, and federal agencies responsible for regulating the biotechnology industry such as the U.S. Department of Agriculture (USDA), the Environmental Protection Agency (EPA), the U.S. Food and Drug Administration (FDA), and the Centers for Disease Control and Prevention (CDC);

(B) identify professional organizations participating in the development of biotechnology policies;

(C) identify and define terms related to biotechnology regulations such as Good Laboratory Practices (GLP), Good Manufacturing Practices (GMP), and Globally Harmonized System (GHS); and

(D) outline the methods and procedures used in biotechnology laboratories to follow local, state, and federal regulations such as those in the agricultural and health areas.

(5) The student demonstrates knowledge of the business climate for biotechnology industry sectors in the current market. The student is expected to:

(A) identify professional publications;

(B) identify the various biotechnology industry sectors;

(C) investigate and report on career opportunities in the biotechnology industry sectors; and

(D) identify professional organizations such as those at the local, state, and national levels.

(6) The student researches and exhibits employability skills that support a career in the biotechnology industry. The student is expected to:

(A) demonstrate verbal, non-verbal, written, and electronic communication skills;

(B) demonstrate skills used to secure and maintain employment;

(C) demonstrate appropriate workplace etiquette;

(D) display productive work habits and attitudes; and

(E) identify appropriate safety equipment and practices as outlined in Texas Education Agency-approved and industry-approved safety standards such as the use of personal protective equipment (PPE) and safety data sheets (SDS).

(7) The student investigates how biotechnology impacts the origins of waste and resource recovery. The student is expected to:

(A) identify biotechnology manufacturing processes and their end products, including waste and marketable products;

(B) explore the impacts of waste on biotic and abiotic factors in the environment such as effects on biological life cycles and pollution from nonbiodegradable single-use materials and microplastics;

(C) analyze the results of manufacturing refuse;

(D) explain the negative impacts of waste with respect to the individual, society, and the global population;

(E) investigate solutions to waste through bioremediation; and

(F) investigate evidence supporting waste management through regulations, public policy, and technology development.

(8) The student examines the relationship of biotechnology to the development of commercial products. The student is expected to:

(A) identify applications of agricultural biotechnology such as selective breeding of livestock and plants, aquaculture, horticultural products, and genetically modified organisms;

(B) identify applications of industrial biotechnology such as fermented food and beverages, genetically engineered proteins for industry, biocatalysts, bio polymers, biosensors, bioremediation, and biofuels;

(C) identify applications of medical and pharmaceutical biotechnology such as genetically modified cells, antibodies, vaccine and gene therapy, genetic testing for human disease/disorders, three-dimensional bio-printing, and medicines from plants, animals, fungi, and bacteria;

(D) identify applications of research and development in biotechnology such as deoxyribonucleic acid (DNA) and protein synthesis and sequencing, genetic testing and screening, DNA identification, RNAi, siRNA, miRNA, the CRISPR/Cas9 system, and synthetic biology;

(E) identify the applications of biotechnology in the fields of forensics, law enforcement, nanotechnology, and bioinformatics;

(F) research ethical considerations, laws, and regulations for biotechnological applications such as bioinformatics, genetic engineering, and nanotechnology; and

(G) identify the function of laboratory equipment, including a microscope, thermocycler, pH meter, hot plate stirrer, electronic balance, autoclave, centrifuge, transilluminator, micropipette, incubator, electrophoresis unit, vortex mixer, water bath, laboratory glassware, biosafety cabinet, and chemical fume hood.

§127.779. *Biotechnology I (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year.

(1) No later than August 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: one credit in biology. Recommended prerequisites: Principles of Bioscience and one credit in chemistry. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services such as laboratory and testing services and research and development services.

(3) In Biotechnology I, students will apply advanced academic knowledge and skills to the emerging fields of biotechnology such as agricultural, medical, regulatory, and forensics. Students will have the opportunity to use sophisticated laboratory equipment, perform statistical analysis, and practice quality-control techniques. Students will conduct laboratory and field investigations and make informed decisions using critical thinking, scientific problem solving, and the engineering design process. Students in Biotechnology I will study a variety of topics that include structures and functions of cells, nucleic acids, proteins, and genetics.

(4) Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and concep-



tual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(5) Students are expected to know that:

(A) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(B) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(6) Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.

(A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models

(7) Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students should be able to distinguish between scientific decision-making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).

(8) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested, while models allow for boundary specification and provide a tool for understanding the ideas presented. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(9) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(10) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate knowledge of how to dress appropriately, speak politely, and conduct oneself in a manner appropriate for the profession;

(B) show the ability to cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;

(C) present written and oral communication in a clear, concise, and effective manner;

(D) demonstrate time-management skills in prioritizing tasks, following schedules, and performing goal-relevant activities in a way that produces efficient results; and

(E) demonstrate punctuality, dependability, reliability, and responsibility in performing assigned tasks as directed.

(2) The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as microscopes, thermocyclers, pH meters, hot plate stirrers, glass bulb thermometers, timing devices, electronic balances, vortex mixers, autoclaves, micropipettes, centrifuges, gel and capillary electrophoresis units, cameras, data collection probes, spectrophotometers, transilluminators, incubators, water baths, laboratory glassware, biosafety cabinets, and chemical fume hoods;

(E) collect quantitative data using the International System of Units (SI) and United States customary units and qualitative data as evidence;

(F) organize quantitative and qualitative data using laboratory notebooks, written lab reports, graphs, charts, tables, digital tools, diagrams, scientific drawings, and student-prepared models;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(3) The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(4) The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(5) The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists and engineers as related to the content; and

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a STEM field.

(6) The student explores the emerging field of biotechnology. The student is expected to:

(A) define biotechnology and provide examples of biotechnology products such as recombinant proteins, fermented foods, biopharmaceuticals, and genetically modified foods;

(B) compare applications of bioinformatics such as deoxyribonucleic acid (DNA) barcoding, sequencing, National Center for Biotechnology Information (NCBI) tools, ClinVar, Genemonon Mastermind, genetic testing, phylogenetic relationships, and the use of online databases;

(C) research and identify career opportunities in genetics, bioinformatics, and in fields such as molecular, forensic, medical, regulatory, and agricultural biotechnology;

(D) identify significant contributions of diverse scientists to biotechnology and explain their impact on society;

(E) define bioethics and evaluate the applications of bioethics;

(F) evaluate different points of view about issues and current events in biotechnology;

(G) identify applications in agricultural biotechnology such as genetically modified organisms (GMOs), plant propagation from tissue culturing, and aquaculture hydroponics;

(H) identify applications in medical biotechnology such as vaccines production, stem cells therapy, gene therapy, pharmaceutical production, pharmacogenetics, genomics, synthetic biology, and personalized medicine;

(I) identify applications in forensic biotechnology such as capillary electrophoresis, real-time polymerase chain reaction, DNA fingerprinting, restriction fragment length polymorphisms (RFLP) analysis, toxicology, and serology; and

(J) identify solutions to waste through bioremediation and non-biotechnological standard solutions such as landfills, incineration, absorbent materials, and catalytic materials.

(7) The student summarizes biotechnology laboratory procedures and their applications in the biotechnology industry. The student is expected to:

(A) identify the major sectors of the biotechnology industry such as medical and pharmaceutical, agricultural, industrial, forensic, and research and development;

(B) identify the biotechnology laboratory procedures used in each sector such as selective breeding, genetic engineering, DNA analysis, and protein analysis; and

(C) compare and contrast the different applications used in biotechnology laboratory procedures of each sector.

(8) The student understands the role of genetics in the biotechnology industry. The student is expected to:

(A) explain terms related to molecular biology, including nucleic acids, nitrogen bases, nucleotides, mRNA, rRNA, tRNA, ribosomes, amino acids, transcription, translation, polymerase, and protein synthesis;

(B) compare and contrast the structures and functions of DNA and ribonucleic acid (RNA), including nitrogen bases, nucleotides, the helical nature of DNA, and hydrogen bonding between purines and pyrimidines;

(C) distinguish between nuclear and mitochondrial DNA and their gamete sources;

(D) describe the DNA replication process in eukaryotic and prokaryotic cells, including leading and lagging strands and Okazaki fragments;

(E) illustrate the process of protein synthesis, including ribosomal subunits and the role of tRNA;

(F) describe the structures and functions of proteins, including three-dimensional folding, enzymes, and antibodies;

(G) explain the molecular structures of genes, including enhancers, promoters, exons, introns, and coding regions;

(H) describe the different types of mutations, including inversions, deletions, duplications, and substitutions;

(I) explain the effects of mutation types on phenotype and gene function; and

(J) describe unique elements of the molecular structure of a chromosome such as short tandem repeats (STR), transposons, and methylation and acetylation of DNA.

(9) The student analyzes the importance of recombinant DNA technology and genetic engineering. The student is expected to:

(A) describe the fundamental steps in recombinant DNA technology;

(B) explain how recombinant DNA technology such as nuclear transfer cloning is used to clone genes and create recombinant proteins;

(C) explain the role of tissue cultures in genetic modification procedures;

(D) describe plant- and animal-tissue culture procedures;

(E) compare and contrast growing conditions for plant and animal tissue cultures;

(F) explain the role of restriction enzymes; and

(G) distinguish between vectors commonly used in biotechnology for DNA insertion, including plasmids, adenoviruses, retroviruses, and bacteriophages.

(10) The student examines federal, state, local, and industry regulations as related to biotechnology. The student is expected to:

(A) discuss the relationship between the local, state, and federal agencies responsible for regulation of the biotechnology industry such as the U.S. Department of Agriculture (USDA), the Environmental Protection Agency (EPA), the U.S. Food and Drug Administration (FDA), and the Centers for Disease Control and Prevention (CDC); and

(B) analyze policies and procedures used in the biotechnology industry such as quality assurance, standard operating procedures (SOPs), Good Manufacturing Practices (GMPs), and International Organization for Standardization (ISO) quality systems.

(11) The student performs biotechnology laboratory procedures. The student is expected to:

(A) measure volumes and weights to industry standards with accuracy and precision;

(B) analyze data and perform calculations and statistical analysis as it relates to biotechnology laboratory experiments;

(C) demonstrate proficiency in pipetting techniques;

(D) identify microorganisms using staining methods such as the Gram stain, methylene-blue stain, and acid-fast staining;

(E) prepare a restriction digest, isolate nucleic acids, and evaluate results using techniques such as gel and capillary electrophoresis, Northern blot analysis, and Southern blot analysis;

(F) explain the importance of media components to the outcome of cultures;

(G) isolate, maintain, and store microbial cultures safely;

(H) prepare seed inoculum; and

(I) perform plating techniques such as streak plating, spread plating, and the Kirby-Bauer method.

(12) The student prepares solutions and reagents for the biotechnology laboratory. The student is expected to:

(A) demonstrate aseptic techniques for establishing and maintaining a sterile work area;

(B) prepare, dispense, and monitor physical properties of stock reagents, buffers, media, and solutions;

(C) calculate and prepare a dilution series; and

(D) determine optimum conditions of reagents for experimentation.

(13) The student conducts quality-control analysis while performing biotechnology laboratory procedures. The student is expected to:

(A) perform validation testing on laboratory reagents and equipment; and

(B) analyze data and perform calculations and statistical analysis on results of quality-control samples.

*§127.780. Biotechnology II (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2023-2024 school year.

(1) No later than August 31, 2023, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2023-2024 school year and apply to the 2023-2024 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: one credit in chemistry and Biotechnology I. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services such as laboratory and testing services and research and development services.

(3) Biotechnology II has the components of any rigorous scientific or bioengineering program of study. This course applies the standard skills mastered in Biotechnology I and includes additional skills related to assay design, protein analysis, applications of genetic engineering, and quality management. After taking this course, students should be prepared for entry-level lab technician jobs.

(4) Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(5) Students are expected to know that:

(A) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(B) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established

and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(6) Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.

(A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.

(7) Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students should be able to distinguish between scientific decision-making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).

(8) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested, while models allow for boundary specification and provide a tool for understanding the ideas presented. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(9) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(10) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate knowledge of how to dress appropriately, speak politely, and conduct oneself in a manner appropriate for the profession;

(B) show the ability to cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;

(C) present written and oral communication in a clear, concise, and effective manner;

(D) demonstrate time-management skills in prioritizing tasks, following schedules, and performing goal-relevant activities in a way that produces efficient results; and

(E) demonstrate punctuality, dependability, reliability, and responsibility in performing assigned tasks as directed.

(2) The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as microscopes, thermocyclers, pH meters, hot plate stirrers, glass bulb thermometers, timing devices, electronic balances, vortex mixers, autoclaves, micropipettes, centrifuges, gel and capillary electrophoresis units, cameras, data collection probes, spectrophotometers, transilluminators, incubators, water baths, laboratory glassware, biosafety cabinets, and chemical fume hoods;

(E) collect quantitative data using the International System of Units (SI) and United States customary units and qualitative data as evidence;

(F) organize quantitative and qualitative data using laboratory notebooks, written lab reports, graphs, charts, tables, digital tools, diagrams, scientific drawings, and student-prepared models;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(3) The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(4) The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(5) The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists and engineers as related to the content; and

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a STEM field.

(6) The student prepares for an entry-level career in biotechnology. The student is expected to:

(A) research and identify career opportunities in genetics, bioinformatics, and fields such as molecular, forensic, medical, regulatory, and agricultural biotechnology;

(B) identify the significance of recent advances in molecular, forensic, medical, regulatory, and agricultural biotechnology;

(C) discuss current bioethical issues related to the field of biotechnology;

(D) create a job-specific resume; and

(E) develop a career plan.

(7) The student analyzes academic and professional journals and technical reports. The student is expected to:

(A) identify the scientific methodology used by a researcher;

(B) examine a prescribed research design and identify dependent and independent variables;

(C) evaluate a prescribed protocol to determine the purpose for each of the procedures performed; and

(D) interpret data and evaluate conclusions.

(8) The student explores assay design in the field of biotechnology. The student is expected to:

(A) define assay requirements and optimizations;

(B) perform statistical analysis on assay design and experimental data such as linearity, system sustainability, limit of detection, and R<sup>2</sup> values;

(C) determine an unknown protein concentration using a standard curve and technique such as a Bradford assay; and

(D) evaluate enzyme kinetics using a colorimetric assay.

(9) The student explores applications related to protein expression in the field of biotechnology. The student is expected to:

(A) describe the fundamental steps in recombinant deoxyribonucleic acid (DNA) technology;

(B) produce a recombinant protein such as green fluorescent protein (GFP);

(C) analyze proteins using techniques such as enzyme-linked immunosorbent assay (ELISA), spectrophotometry, and sodium dodecyl sulfate polyacrylamide gel electrophoresis (SDS-PAGE); and

(D) isolate a specific protein from a biological sample using techniques such as chromatography and Western blot analysis.

(10) The student explores applications of recombinant DNA technology and genetic engineering. The student is expected to:

(A) prepare and maintain tissue cultures commonly used in genetic modification procedures;

(B) evaluate the effects of changes to growing conditions such as pH, temperature, and growth media;

(C) evaluate the results of a bacterial transformation using a restriction enzyme digest and Southern blot analysis;

(D) compare and contrast vectors commonly used in biotechnology applications, including plasmids, adenoviruses, retroviruses, and bacteriophages;

(E) explain the steps and components of the polymerase chain reaction (PCR); and

(F) explain applications of CRISPR/Cas9 technology in gene editing and diagnostics.

(11) The student prepares solutions and reagents for the biotechnology laboratory. The student is expected to:

(A) demonstrate aseptic techniques for establishing and maintaining a sterile work area;

(B) prepare, dispense, and monitor physical properties of stock reagents, buffers, media, and solutions;

(C) calculate and prepare a dilution series;

(D) determine acceptability and optimum conditions of reagents for experimentation; and

(E) prepare multi-component solutions of given molarity or concentration and volume.

(12) The student investigates the role of quality in the biotechnology industry. The student is expected to:

(A) describe the product pipeline in the biotechnology industry;

(B) describe the importance of quality assurance and quality control;

(C) explain the importance of documentation to quality assurance and quality control;

(D) describe the importance of corrective and preventive action (CAPA);

(E) describe Quality Management Systems (QMS) components, including inspection, audit, surveillance, and prevention;

(F) describe Good Manufacturing Practices (GMP), Good Clinical Practices (GCP), Good Documentation Practices (GDP), Good Lab Practices (GLP), and International Organization for Standardization (ISO);

(G) perform validation testing on laboratory reagents and equipment;

(H) analyze data and perform calculations and statistical analysis on results of quality-control samples such as standard deviation and percent error; and

(I) apply and create industry protocols such as laboratory method protocols, standard operating procedures (SOPs), and validation forms.

§127.781. *Principles of Applied Engineering (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 9 and 10. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.

(3) Principles of Applied Engineering provides an overview of the various fields of science, technology, engineering, and mathematics and their interrelationships. Students develop engineering communication skills, which include computer graphics, modeling, and presentations, by using a variety of computer hardware and software applications to complete assignments and projects. Upon completing this course, students will have an understanding of the various fields of engineering and be able to make informed career decisions.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate knowledge of how to dress, speak, and conduct oneself in a manner appropriate for the profession;

(B) cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;

(C) present written and oral communication in a clear, concise, and effective manner;

(D) demonstrate time-management skills in prioritizing tasks, following schedules, and performing goal-relevant activities in a way that produces efficient results; and

(E) demonstrate punctuality, dependability, reliability, and responsibility in performing assigned tasks.

(2) The student investigates the components of engineering and technology systems. The student is expected to:

(A) investigate and report on the history of engineering disciplines, including chemical, civil, electrical, and mechanical engineering;

(B) identify the inputs, processes, and outputs associated with technological systems;

(C) describe the difference between open and closed systems;

(D) describe how technological systems interact to achieve common goals;

(E) compare engineering, science, and technology career paths, including entry-level employment, military service, apprenticeships, community and technical colleges, and universities;

(F) conduct and present research on emerging and innovative technology; and

(G) demonstrate proficiency of the engineering design process.

(3) The student presents conclusions, research findings, and designs using a variety of media throughout the course. The student is expected to:

(A) use clear and concise written, verbal, and visual communication techniques;

(B) maintain a design and computation engineering notebook;

(C) develop and present ideas using sketching and computer-aided design and drafting (CADD);

(D) draw conclusions using industry-standard visualization techniques and media;

(E) maintain a paper or digital portfolio using the engineering documentation process; and

(F) use collaborative tools such as desktop or web-based applications to share and develop information.

(4) The student uses appropriate tools and demonstrates safe work habits. The student is expected to:

(A) master relevant safety tests;

(B) follow lab safety guidelines as prescribed by instructor in compliance with local, state, and federal regulations;

(C) identify industry safety terminology related to the personal work environment such as Occupational Safety and Health Administration (OSHA), American Society of Mechanical Engineers (ASME), and personal protective equipment (PPE);

(D) recognize the classification of hazardous materials and wastes;

(E) describe appropriate ways to dispose of hazardous materials and wastes;

(F) maintain, safely handle, and properly store laboratory equipment;

(G) describe the implications of negligent or improper maintenance; and

(H) demonstrate the use of precision measuring instruments.

(5) The student describes the factors that affect the progression of technology and analyzes the potential intended and unintended consequences of technological advances. The student is expected to:

(A) describe how technology has affected individuals, societies, cultures, economies, and environments;

(B) describe how the development and use of technology influenced past events;

(C) describe how and why technology progresses; and

(D) predict possible changes caused by the advances of technology.

(6) The student thinks critically and applies fundamental principles of system modeling and design to multiple design projects. The student is expected to:

(A) identify and describe an engineering design process needed for a project, including the design process and prototype development and initiating, planning, executing, monitoring and controlling, and closing a project;

(B) identify the chemical, mechanical, and physical properties of engineering materials and identify testing methods associated with the materials;

(C) use problem-solving techniques to develop technological solutions such as product, process, or system;

(D) use consistent units for all measurements and computations; and

(E) assess the risks and benefits of a design solution.

(7) The student understands the opportunities and careers in fields related to robotics, process control, and automation systems. The student is expected to:

(A) describe applications of robotics, process control, and automation systems;

(B) apply design concepts to problems in robotics, process control, and automation systems;

(C) identify fields and career opportunities related to robotics, process control, and automation systems; and

(D) identify emerging trends in robotics, process control, and automation systems.

(8) The student understands the opportunities and careers in fields related to electrical and mechanical systems. The student is expected to:

(A) describe the applications of electrical and mechanical systems;

(B) describe career opportunities in electrical and mechanical systems;

(C) identify emerging trends in electrical and mechanical systems; and

(D) describe and apply basic electronic theory.

(9) The student collaborates as a team member while completing a comprehensive project. The student is expected to:

(A) apply the design process, including decision matrices, as a team participant;

(B) perform different roles within the project as a team member;

(C) formulate decisions using collaborative strategies such as decision and design matrices and conflict resolution;

(D) maintain an engineering notebook for the project;

(E) develop and test the model for the project; and

(F) demonstrate communication skills by preparing and presenting the project, including building consensus, setback resolution and decision matrices.

(10) The student demonstrates a knowledge of drafting by completing a series of drawings that can be published by various media. The student is expected to:

(A) set up, create, and modify drawings;

(B) store and retrieve geometry;

(C) demonstrate and use appropriate line types in engineering drawings;

(D) draw two-dimensional, single-view objects;

(E) create multi-view working drawings using orthographic projection;

(F) dimension objects using current American National Standards Institute (ANSI) standards;

(G) draw single-line two-dimensional pictorial representations; and

(H) create working drawings that include section views.

(11) The student creates justifiable solutions to open-ended real-world problems using engineering design practices and processes. The student is expected to:

(A) identify and define an engineering problem;

(B) formulate goals, objectives, and requirements to solve an engineering problem;

(C) determine the design parameters such as materials, personnel, resources, funding, manufacturability, feasibility, and time associated with an engineering problem;

(D) establish and evaluate potential constraints, including health, safety, social, environmental, ethical, political, regulatory, and legal, pertaining to a problem;

(E) identify or create alternative solutions to a problem using a variety of techniques such as brainstorming, reverse engineering, and researching engineered and natural solutions;

(F) test and evaluate proposed solutions using engineering methods such as creating models, prototypes, mock-ups, or simulations or performing critical design review, statistical analysis, or experiments;

(G) apply structured techniques such as a decision tree, design matrix, or cost-benefit analysis to select and justify a preferred solution to a problem;

(H) predict performance, failure modes, and reliability of a design solution; and

(I) prepare a project report that clearly documents the designs, decisions, and activities during each phase of the engineering design process.

§127.782. *Engineering Science (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.

(1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisites: Algebra I, one credit in biology, and at least one credit in a course from the science, technology, engineering, and mathematics career cluster. Recommended prerequisites: Geometry, Integrated Physics and Chemistry (IPC), one credit in chemistry, or one credit in physics. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.

(3) Engineering Science is an engineering course designed to expose students to some of the major concepts and technologies that they will encounter in a postsecondary program of study in any engineering domain. Students will have an opportunity to investigate engineering and high-tech careers. In Engineering Science, students will employ science, technology, engineering, and mathematical concepts in the solution of real-world challenge situations. Students will develop problem-solving skills and apply their knowledge of research and design to create solutions to various challenges. Students will also learn how to document their work and communicate their solutions to their peers and members of the professional community.

(4) Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(5) Students are expected to know that:

(A) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(B) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(6) Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.

(A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.

(7) Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students should be able to distinguish between scientific decision-making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).

(8) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested, while models allow for boundary specification and provide a tool for understanding the ideas presented. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(9) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(10) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.



(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate knowledge of how to dress appropriately, speak politely, and conduct oneself in a manner appropriate for the profession;

(B) show the ability to cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;

(C) present written and oral communication in a clear, concise, and effective manner;

(D) demonstrate time-management skills in prioritizing tasks, following schedules, and performing goal-relevant activities in a way that produces efficient results; and

(E) demonstrate punctuality, dependability, reliability, and responsibility in performing assigned tasks as directed.

(2) The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as dial caliper, micrometer, protractor, compass, scale rulers, multimeter, and circuit components;

(E) collect quantitative data using the International System of Units (SI) and United States customary units and qualitative data as evidence;

(F) organize quantitative and qualitative data using spreadsheets, engineering notebooks, graphs, and charts;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(3) The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(4) The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(5) The student knows the contributions of scientists and engineers and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists and engineers as related to the content; and

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a STEM field.

(6) The student investigates engineering-related fields and career opportunities. The student is expected to:

(A) differentiate between engineering and engineering technology;

(B) compare the roles or job descriptions for career opportunities in the fields of pure science, engineering, and engineering technology;

(C) identify and differentiate between the different engineering disciplines; and

(D) demonstrate appropriate oral, written, and visual forms of technical communication.

(7) The student demonstrates an understanding of design problems and works individually and as a member of a team to solve design problems. The student is expected to:

(A) solve design problems individually and in a team;

(B) create solutions to existing problems using a design process;

(C) use a design brief to identify problem specifications and establish project constraints;

(D) use communication to achieve a desired goal within a team; and

(E) work as a member of a team to conduct research to develop a knowledge base, stimulate creative ideas, and make informed decisions.

(8) The student understands mechanisms, including simple and compound machines, and performs calculations related to mechanical advantage, drive ratios, work, and power. The student is expected to:

(A) explain the purpose and operation of components, including gears, sprockets, pulley systems, and simple machines;

(B) explain how components, including gears, sprockets, pulley systems, and simple machines, make up mechanisms;

(C) distinguish between the six simple machines and their attributes and components;

(D) measure forces and distances related to a mechanism;

(E) calculate work and power in mechanical systems;

(F) determine experimentally the efficiency of mechanical systems; and

(G) calculate mechanical advantage and drive ratios of mechanisms.

(9) The student understands energy sources, energy conversion, and circuits and performs calculations related to work and power. The student is expected to:

(A) identify and categorize energy sources as nonrenewable, renewable, or inexhaustible;

(B) define and calculate work and power in electrical systems;

(C) calculate and explain how power in a system converts energy from electrical to mechanical; and

(D) define voltage, current, and resistance and calculate each quantity in series, parallel, and combination electrical circuits using Ohm's law.

(10) The student understands system energy requirements and how energy sources can be combined to convert energy into useful forms. The student understands the relationships between material conductivity, resistance, and geometry in order to calculate energy transfer and determine power loss and efficiency. The student is expected to:

(A) explain the purpose of energy management;

(B) evaluate system energy requirements in order to select the proper energy source;

(C) explain and design how multiple energy sources can be combined to convert energy into useful forms;

(D) describe how hydrogen fuel cells create electricity and heat and how solar cells create electricity;

(E) measure and analyze how thermal energy is transferred via convection, conduction, and radiation;

(F) analyze how thermal energy transfer is affected by conduction, thermal resistance values, convection, and radiation; and

(G) calculate resistance, efficiency, and power transfer in power transmission and distribution applications for various material properties.

(11) The student understands the interaction of forces acting on a body and performs calculations related to structural design. The student is expected to:

(A) illustrate, calculate, and experimentally measure all forces acting upon a given body;

(B) locate the centroid of structural members mathematically or experimentally;

(C) calculate moment of inertia of structural members;

(D) define and calculate static equilibrium;

(E) differentiate between scalar and vector quantities;

(F) identify properties of a vector, including magnitude and direction;

(G) calculate the X and Y components given a vector;

(H) calculate moment forces given a specified axis;

(I) calculate unknown forces using equations of equilibrium; and

(J) calculate external and internal forces in a statically determinate truss using translational and rotational equilibrium equations.

(12) The student understands material properties and the importance of choosing appropriate materials for design. The student is expected to:

(A) conduct investigative non-destructive material property tests on selected common household products;

(B) calculate and measure the weight, volume, mass, density, and surface area of selected common household products; and

(C) identify the manufacturing processes used to create selected common household products.

(13) The student uses material testing to determine a product's function and performance. The student is expected to:

(A) use a design process and mathematical formulas to solve and document design problems;

(B) obtain measurements of material samples such as length, width, height, and mass;

(C) use material testing to determine a product's reliability, safety, and predictability in function;

(D) identify and calculate test sample material properties using a stress-strain curve; and

(E) identify and compare measurements and calculations of sample material properties such as elastic range, proportional limit, modulus of elasticity, elastic limit, resilience, yield point, plastic deformation, ultimate strength, failure, and ductility using stress-strain data points.

(14) The student understands that control systems are designed to provide consistent process control and reliability and uses computer software to create flowcharts and control system operating programs. The student is expected to:

(A) create detailed flowcharts using a computer software application;

(B) create control system operating programs using computer software;

(C) create system control programs that use flowchart logic;

(D) select appropriate input and output devices based on the need of a technological system; and

(E) judge between open- and closed-loop systems in order to select the most appropriate system for a given technological problem.

(15) The student demonstrates an understanding of fluid power systems and calculates values in a variety of systems. The student is expected to:

(A) identify and explain basic components and functions of fluid power devices;

(B) differentiate between pneumatic and hydraulic systems and between hydrodynamic and hydrostatic systems;

(C) use Pascal's Law to calculate values in a fluid power system;

(D) distinguish between gauge pressure and absolute pressure and between temperature and absolute temperature;

(E) calculate values in a pneumatic system using the ideal gas laws; and

(F) calculate and experiment with flow rate, flow velocity, and mechanical advantage in a hydraulic system model.

(16) The student demonstrates an understanding of statistics and applies the concepts to real-world engineering design problems. The student is expected to:

(A) calculate and test the theoretical probability that an event will occur;

(B) calculate the experimental frequency distribution of an event occurring;

(C) apply the Bernoulli process to events that only have two distinct possible outcomes;

(D) apply AND, OR, and NOT logic to solve complex probability scenarios;

(E) apply Bayes's theorem to calculate the probability of multiple events occurring;

(F) calculate the central tendencies of a data array, including mean, median, and mode;

(G) calculate data variations, including range, standard deviation, and variance; and

(H) create and explain a histogram to illustrate frequency distribution.

(17) The student demonstrates an understanding of kinematics in one and two dimensions and applies the concepts to real-world engineering design problems. The student is expected to:

(A) calculate distance, displacement, speed, velocity, and acceleration from data;

(B) calculate experimentally the acceleration due to gravity given data from a free-fall device;

(C) calculate the X and Y components of an object in projectile motion; and

(D) determine and test the angle needed to launch a projectile a specific range given the projectile's initial velocity.

§127.785. *Engineering Design and Problem Solving (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2022-2023 school year.

(1) No later than August 31, 2022, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2022-2023 school year and apply to the 2022-2023 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: Algebra I, Geometry, and at least one credit in a Level 2 or higher course in the science, technology, engineering, and mathematics career cluster. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The STEM Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.

(3) The Engineering Design and Problem Solving course is the creative process of solving problems by identifying needs and then devising solutions. The solution may be a product, technique, structure, or process depending on the problem. Science aims to understand the natural world, while engineering seeks to shape this world to meet human needs and wants. Engineering design takes into consideration limiting factors or "design under constraint." Various engineering disciplines address a broad spectrum of design problems using specific concepts from the sciences and mathematics to derive a solution. The design process and problem solving are inherent to all engineering disciplines.

(4) Engineering Design and Problem Solving reinforces and integrates skills learned in previous mathematics and science courses. This course emphasizes solving problems, moving from well-defined toward more open-ended, with real-world application. Students will apply critical-thinking skills to justify a solution from multiple design options. Additionally, the course promotes interest in and understanding of career opportunities in engineering.

(5) This course is intended to stimulate students' ingenuity, intellectual talents, and practical skills in devising solutions to engineering design problems. Students use the engineering design process cycle to investigate, design, plan, create, and evaluate solutions. At the same time, this course fosters awareness of the social and ethical implications of technological development.

(6) Science, as defined by the National Academy of Sciences, is the "use of evidence to construct testable explanations and predictions of natural phenomena, as well as the knowledge generated through this process." This vast body of changing and increasing knowledge is described by physical, mathematical, and conceptual models. Students should know that some questions are outside the realm of science because they deal with phenomena that are not currently scientifically testable.

(7) Scientific hypotheses and theories. Students are expected to know that:

(A) hypotheses are tentative and testable statements that must be capable of being supported or not supported by observational evidence. Hypotheses of durable explanatory power that have been tested over a wide variety of conditions are incorporated into theories; and

(B) scientific theories are based on natural and physical phenomena and are capable of being tested by multiple independent researchers. Unlike hypotheses, scientific theories are well established and highly reliable explanations, but they may be subject to change as new areas of science and new technologies are developed.

(8) Scientific inquiry is the planned and deliberate investigation of the natural world using scientific and engineering practices. Scientific methods of investigation are descriptive, comparative, or experimental. The method chosen should be appropriate to the question being asked. Student learning for different types of investigations include descriptive investigations, which involve collecting data and recording observations without making comparisons; comparative investigations, which involve collecting data with variables that are manipulated to compare results; and experimental investigations, which involve processes similar to comparative investigations but in which a control is identified.

(A) Scientific practices. Students should be able to ask questions, plan and conduct investigations to answer questions, and explain phenomena using appropriate tools and models.

(B) Engineering practices. Students should be able to identify problems and design solutions using appropriate tools and models.

(9) Scientific decision making is a way of answering questions about the natural world involving its own set of ethical standards about how the process of science should be carried out. Students should be able to distinguish between scientific decision-making methods (scientific methods) and ethical and social decisions that involve science (the application of scientific information).

(10) Science consists of recurring themes and making connections between overarching concepts. Recurring themes include systems, models, and patterns. All systems have basic properties that can be described in space, time, energy, and matter. Change and constancy occur in systems as patterns and can be observed, measured, and modeled. These patterns help to make predictions that can be scientifically tested, while models allow for boundary specification and provide a tool for understanding the ideas presented. Students should analyze a system in terms of its components and how these components relate to each other, to the whole, and to the external environment.

(11) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(12) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate knowledge of how to dress appropriately, speak politely, and conduct oneself in a manner appropriate for the profession;

(B) show the ability to cooperate, contribute, and collaborate as a member of a group in an effort to achieve a positive collective outcome;

(C) present written and oral communication in a clear, concise, and effective manner;

(D) demonstrate time-management skills in prioritizing tasks, following schedules, and performing goal-relevant activities in a way that produces efficient results; and

(E) demonstrate punctuality, dependability, reliability, and responsibility in performing assigned tasks as directed.

(2) The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as dial caliper, micrometer, protractor, compass, scale rulers, multimeter, and circuit components;

(E) collect quantitative data using the International System of Units (SI) and United States customary units and qualitative data as evidence;

(F) organize quantitative and qualitative data using spreadsheets, engineering notebooks, graphs, and charts;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(3) The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(4) The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(5) The student knows the contributions of scientists and engineers and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists and engineers as related to the content; and

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a STEM field.

(6) The student uses critical thinking, scientific reasoning, and problem solving to make informed decisions within and outside the classroom. The student is expected to:

(A) communicate and apply scientific information extracted from various sources such as current events, news reports, published journal articles, and marketing materials; and

(B) draw inferences based on data related to promotional materials for products and services.

(7) The student applies knowledge of science and mathematics and the tools of technology to solve engineering design problems. The student is expected to:

(A) select appropriate mathematical models to develop solutions to engineering design problems;

(B) integrate advanced mathematics and science skills as necessary to develop solutions to engineering design problems;

(C) judge the reasonableness of mathematical models and solutions;

(D) investigate and apply relevant chemical, mechanical, biological, electrical, and physical properties of materials to engineering design problems;

(E) identify the inputs, processes, outputs, control, and feedback associated with open and closed systems;

(F) describe the difference between open-loop and closed-loop control systems;

(G) evaluate different measurement tools such as dial caliper, micrometer, protractor, compass, scale rulers, and multimeter, make measurements with accuracy and precision, and specify tolerances; and

(H) use conversions between measurement systems to solve real-world problems.

(8) The student communicates through written documents, presentations, and graphic representations using the tools and techniques of professional engineers. The student is expected to:

(A) communicate visually by sketching and creating technical drawings using established engineering graphic tools, techniques, and standards;

(B) read and comprehend technical documents, including specifications and procedures;

(C) prepare written documents such as memorandums, emails, design proposals, procedural directions, letters, and technical reports using the formatting and terminology conventions of technical documentation;

(D) organize information for visual display and analysis using appropriate formats for various audiences, including technical drawings, graphs, and tables such as file conversion and appropriate file types, in order to collaborate with a wider audience;

(E) evaluate the quality and relevance of sources and cite appropriately; and

(F) defend a design solution in a presentation.

(9) The student recognizes the history, development, and practices of the engineering professions. The student is expected to:

(A) identify and describe career options, working conditions, earnings, and educational requirements of various engineering disciplines such as those listed by the Texas Board of Professional Engineers;

(B) recognize that engineers are guided by established codes emphasizing high ethical standards;

(C) explore the differences, similarities, and interactions between engineers, scientists, and mathematicians;

(D) describe how technology has evolved in the field of engineering and consider how it will continue to be a useful tool in solving engineering problems;

(E) discuss the history and importance of engineering innovation on the U.S. economy and quality of life; and

(F) describe the importance of patents and the protection of intellectual property rights.

(10) The student creates justifiable solutions to open-ended real-world problems using engineering design practices and processes. The student is expected to:

(A) identify and define an engineering problem;

(B) formulate goals, objectives, and requirements to solve an engineering problem;

(C) determine the design parameters associated with an engineering problem such as materials, personnel, resources, funding, manufacturability, feasibility, and time;

(D) establish and evaluate constraints pertaining to a problem, including health, safety, social, environmental, ethical, political, regulatory, and legal;

(E) identify or create alternative solutions to a problem using a variety of techniques such as brainstorming, reverse engineering, and researching engineered and natural solutions;

(F) test and evaluate proposed solutions using methods such as creating models, prototypes, mock-ups, or simulations or performing critical design review, statistical analysis, or experiments;

(G) apply structured techniques to select and justify a preferred solution to a problem such as a decision tree, design matrix, or cost-benefit analysis;

(H) predict performance, failure modes, and reliability of a design solution; and

(I) prepare a project report that clearly documents the designs, decisions, and activities during each phase of the engineering design process.

(11) The student manages an engineering design project. The student is expected to:

(A) participate in the design and implementation of a real-world or simulated engineering project using project management methodologies, including initiating, planning, executing, monitoring and controlling, and closing a project;

(B) develop a plan and project schedule for completion of a project;

(C) work in teams and share responsibilities, acknowledging, encouraging, and valuing contributions of all team members;

(D) compare and contrast the roles of a team leader and other team member responsibilities;

(E) identify and manage the resources needed to complete a project;

(F) use a budget to determine effective strategies to meet cost constraints;

(G) create a risk assessment for an engineering design project;

(H) analyze and critique the results of an engineering design project; and

(I) maintain an engineering notebook that chronicles work such as ideas, concepts, inventions, sketches, and experiments.

§127.786. *Introduction to Computer-Aided Design and Drafting (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 9-12. Recommended Prerequisite: Principles of Applied Engineering, Principles of Architecture and Design, or Principles of Manufacturing. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for

students to further their education and succeed in current and emerging professions.

(2) The Science, Technology, Engineering, and Mathematics (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.

(3) Introduction to Computer-Aided Design and Drafting (CADD) allows students to acquire knowledge and skills needed to use design software, including an introduction to CADD equipment and software selection and interfaces. Students gain skills in setting up a CADD workstation; upgrading a computer to run advanced CADD software; working with storage devices; storing, retrieving, backing-up, and sharing databases, file servers, and local area networks (LANs); and transferring drawing files over the internet.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) describe the roles, responsibilities, and dynamics of a team as applied in appropriate industry fields;

(B) explain employers' work expectations;

(C) use effective and accurate architectural or engineering vocabulary throughout design and drafting process;

(D) demonstrate knowledge of the concepts and skills related to health in the workplace; and

(E) demonstrate safety in the workplace as specified by appropriate governmental regulations.

(2) The student demonstrates knowledge of the CADD software. The student is expected to:

(A) describe computer-aided design, drafting, and CADD applications;

(B) demonstrate how to start and exit CADD software without corrupting files;

(C) use draw files;

(D) save, close, and open saved files;

(E) determine and specify drawing units and limits;

(F) describe and use the Cartesian coordinate system;

(G) use drawing snap and grid functions; and

(H) demonstrate the use of dynamic input and the command line.

(3) The student demonstrates the use of CADD tools for basic drawing and plotting. The student is expected to:

(A) draw objects using the line tool;

(B) draw circles, arcs, ellipses, and elliptical arcs;

- (C) draw polylines, rectangles, donuts, and filled circles;
  - (D) draw true spline curves;
  - (E) create drawing templates;
  - (F) describe basic line conventions;
  - (G) create and manage layers;
  - (H) draw objects on separate layers;
  - (I) print and plot drawings;
  - (J) demonstrate organizational skills to influence the sequential process when creating drawings;
  - (K) construct geometric figures of lines, splines, circles, and arcs;
  - (L) create and edit text using appropriate style and size to annotate drawings;
  - (M) use control accuracy enhancement tools for entity positioning methods such as snap and xyz;
  - (N) use editing commands;
  - (O) use viewing commands to perform zooming and panning;
  - (P) plot drawings on media using layout and scale;
  - (Q) use query commands to interrogate database for entity characteristics, distance, area, and status;
  - (R) move, stretch, and offset objects;
  - (S) create a radius between objects;
  - (T) trim and extend objects;
  - (U) break and join objects;
  - (V) change object properties; and
  - (W) create hatching and manipulate properties such as calculating the area of an enclosed shape.
- (4) The student demonstrates the use of CADD tools display and viewpoints. The student is expected to:
- (A) create multiple viewpoints in the drawing window;
  - (B) select appropriate object snaps for various drawing tasks;
  - (C) create orthographic drawings;
  - (D) analyze challenges and identify solutions for design problems;
  - (E) investigate the use of space, scale, and environmental features to create three-dimensional form or the illusion of depth and form;
  - (F) prepare multi-view scaled drawings;
  - (G) select proper drawing scale, views, and layout;
  - (H) create drawings containing horizontal and vertical surfaces;
  - (I) create drawings containing circles and arcs;
  - (J) create removed details and conventional breaks using sectional drawing techniques;
  - (K) create assembly drawings;

- (L) create detail drawings; and
  - (M) create technical drawings and title blocks associated with the different CAD drawings.
- (5) The student demonstrates the use of software tools to properly create text within a CADD drawing. The student is expected to:
- (A) use proper text standards for technical drawings;
  - (B) calculate drawing scale and text height using a scale ratio;
  - (C) apply text styles to enhance readability of drawings;
  - (D) demonstrate the use of tools to create multi-line text objects and single-line text;
  - (E) edit existing text; and
  - (F) create, insert, and modify tables.
- (6) The student demonstrates the use of CADD editing tools within drawings. The student is expected to:
- (A) draw chamfers and fillets;
  - (B) use editing tools to modify existing drawings;
  - (C) edit polylines and splines;
  - (D) move and copy objects;
  - (E) create mirror images and align objects; and
  - (F) scale and array objects.
- (7) The student demonstrates the use of grips in drawings. The student is expected to:
- (A) apply grips to stretch, move, rotate, scale, mirror, and copy objects;
  - (B) demonstrate the use of Quick Properties and the Properties palette to access CADD tools; and
  - (C) create selections by using the Quick Select dialog box.
- (8) The student demonstrates the use of scale and dimension standards and practices. The student is expected to:
- (A) apply standard dimensioning rules;
  - (B) draw scales and dimensions;
  - (C) create, edit, and manage dimension styles;
  - (D) add linear and angular dimensions to a drawing;
  - (E) draw datum and chain dimensions;
  - (F) dimension circles and arcs;
  - (G) control the appearance of existing dimensions and dimension text; and
  - (H) change dimension line spacing and alignment.
- (9) The student creates and demonstrates standard blocks using tool palettes. The student is expected to:
- (A) create and save text information blocks;
  - (B) insert blocks into a drawing;
  - (C) edit and update a block in a drawing;
  - (D) create blocks as a drawing file;

(E) construct and use a symbol library of blocks; and

(F) purge unused items from a drawing.

(10) The student prepares surface developments. The student is expected to:

(A) prepare developments of prisms, cylinders, cones, and pyramids;

(B) prepare developments of a transition piece; and

(C) prepare drawings involving intersecting pieces.

(11) The student designs and prepares basic architectural drawings. The student is expected to:

(A) solve design problems to gain new perspectives;

(B) apply critical-thinking and problem-solving skills to develop creative solutions for design problems;

(C) draw a site plan;

(D) draw a floor plan;

(E) draw interior and exterior elevations;

(F) draw a roof plan;

(G) prepare door and window schedules;

(H) draw wall sections;

(I) draw a plot plan; and

(J) draw an electrical and reflected ceiling plan.

(12) The student designs and prepares a technical drawing. The student is expected to:

(A) draw individual parts;

(B) draw the closed assembly drawings per the parts; and

(C) draw and explode the assembly with the parts list.

§127.787. *Intermediate Computer-Aided Design and Drafting (One Credit), Adopted 2021.*

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2024-2025 school year.

(1) No later than August 31, 2024, the commissioner of education shall determine whether instructional materials funding has been made available to Texas public schools for materials that cover the essential knowledge and skills identified in this section.

(2) If the commissioner makes the determination that instructional materials funding has been made available, this section shall be implemented beginning with the 2024-2025 school year and apply to the 2024-2025 and subsequent school years.

(3) If the commissioner does not make the determination that instructional materials funding has been made available under this subsection, the commissioner shall determine no later than August 31 of each subsequent school year whether instructional materials funding has been made available. If the commissioner determines that instructional materials funding has been made available, the commissioner shall notify the State Board of Education and school districts that this section shall be implemented for the following school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: Architectural Design I, Introduction to Computer-Aided Design and Drafting, or Engineering De-

sign and Presentation I. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards, industry-relevant technical knowledge, and college and career readiness skills for students to further their education and succeed in current and emerging professions.

(2) The Science, Technology, Engineering, and Science (STEM) Career Cluster focuses on planning, managing, and providing scientific research and professional and technical services, including laboratory and testing services, and research and development services.

(3) In Intermediate Computer-Aided Design and Drafting (CADD), students develop practices and techniques used in computer-aided drafting, emphasizing the development and use of prototype drawings, construction of pictorial drawings, construction of three-dimensional drawings, interfacing two-dimensional and three-dimensional environments, and extracting data. Basic rendering techniques will also be developed. Emphasis is placed on drawing set-up; creating and modifying geometry; storing and retrieving predefined shapes; placing, rotating, and scaling objects; adding text and dimensions; using layers and coordinating systems, as well as using input and output devices.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(d) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) describe the roles, responsibilities, and dynamics of a team as applied in appropriate industry fields;

(B) explain employers' work expectations;

(C) demonstrate knowledge of the concepts and skills related to health and safety in the workplace as specified by appropriate governmental regulations;

(D) evaluate and justify decisions based on ethical reasoning;

(E) evaluate alternative responses to workplace situations based on personal, professional, ethical, and legal responsibilities and employer policies;

(F) identify and explain personal and long-term consequences of unethical or illegal behaviors in the workplace;

(G) interpret and explain written organizational policies and procedures; and

(H) demonstrate personal responsibility, ethics, and integrity, including respect for intellectual property, when accessing information and creating design projects.

(2) The student demonstrates an understanding of CADD terminology, tools, and symbols. The student is expected to:



(A) apply the Cartesian Coordinate Systems to illustrate the application of Z coordinates;

(B) describe the CADD menu structure;

(C) differentiate between type-in commands, icons, and pulldown menus;

(D) manipulate the standard draw commands;

(E) demonstrate modifying commands;

(F) explain the various modes of viewing drawings; and

(G) define and modify dimension styles.

(3) The student produces hand sketches to organize ideas and communicate design ideas. The student is expected to:

(A) demonstrate the use of graphic descriptions;

(B) develop skill in sketching or mark making to plan, execute, and construct two-dimensional images and three-dimensional models;

(C) demonstrate methods of projection; and

(D) use proper drafting techniques to convert sketches into an electronic drawing using CADD.

(4) The student demonstrates an understanding of commands in a CADD system. The student is expected to:

(A) operate CADD software;

(B) demonstrate draw commands;

(C) modify drawn objects in CADD software;

(D) create two-dimensional and three-dimensional objects;

(E) convert two-dimensional drawings to three-dimensional drawings;

(F) convert three-dimensional drawings to two-dimensional drawings;

(G) prepare text blocks in CADD software;

(H) manipulate an external reference or file;

(I) import files of different formats into CADD;

(J) demonstrate the plot command in print or plot drawings; and

(K) import and export data using attributes.

(5) The student performs computer-aided drafting functions. The student is expected to:

(A) create text styles, text justification, and multi-line text;

(B) create and use multi-leaders;

(C) edit dimensions;

(D) work with dimension styles;

(E) crosshatch objects;

(F) isolate and hide objects;

(G) use selection set methods;

(H) use rectangular, polar, and path arrays;

(I) use rotation reference angles;

(J) use elements of creativity and organizational principles to create visually coherent viewports and layouts;

(K) create and manage layers and properties;

(L) use page setup for plotting;

(M) create, insert, and edit reusable content such as symbols and blocks;

(N) use specific line types using the Standard Alphabet of Lines;

(O) create fills and gradients; and

(P) edit hatch patterns and fills.

(6) The student creates drawings using the CADD software. The student is expected to:

(A) translate hand sketches into CADD software;

(B) create projected mechanical drawings;

(C) create drawings with external references;

(D) complete a three-dimensional parametric model;

(E) organize a complex assembly, including an animated exploded assembly;

(F) compare various methods of drawing solids;

(G) construct a composite drawing using multiple drawings;

(H) justify correct drawing methods;

(I) draw lines, arcs, and circles to represent plans or mechanical assemblies;

(J) create text styles, text justification, and multi-line text;

(K) create and use multi-leaders;

(L) edit dimensions, including dimension styles;

(M) isolate and hide objects;

(N) use selection set methods;

(O) use elements of creativity and organizational principles to create visually coherent viewports and layouts;

(P) create and manage layers;

(Q) use page setup for plotting; and

(R) prepare multi-view drawings, including sectional and auxiliary views.

(7) The student creates electrical drawings. The student is expected to:

(A) prepare schematic drawings;

(B) prepare printed circuit board assembly drawing packages;

(C) prepare connection drawings;

(D) prepare interconnection drawings;

(E) prepare wiring drawings;

(F) prepare cable drawings and/or harness drawings;

(G) prepare component drawings; and

(H) prepare logic diagrams.

(8) The student creates mechanical drawings. The student is expected to:

- (A) prepare fastener, cam, gear, spring, and bearing drawings;
- (B) prepare detail drawings;
- (C) prepare surface developments;
- (D) prepare welding drawings;
- (E) prepare bearing drawings;
- (F) prepare casting drawings;
- (G) prepare forging drawings;
- (H) prepare tool drawings;
- (I) prepare molding diagrams;
- (J) prepare stamping drawings;
- (K) prepare numerical-control drawings;
- (L) modify drawings to include material specifications and parts list; and
- (M) identify geometric tolerances and dimensioning of specific machined surfaces.

(9) The student prepares CADD project designs. The student is expected to:

- (A) develop a floor plan depicting all elements of the building, including BIM (building information modeling);
- (B) render a site plan that depicts all elements of the site;
- (C) render exterior and interior elevations;
- (D) draw a specified roof type within a plan;
- (E) prepare door and window schedules;
- (F) draw a wall and building section;
- (G) draw an overall site plan;
- (H) draw a building plot plan;
- (I) review and revise plans throughout the design process to refine and achieve design objective;
- (J) demonstrate flexibility and adaptability throughout the design process; and
- (K) define a basic project materials list.

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 April 6, 2022.

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Director, Rulemaking

Texas Education Agency

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## TITLE 26. HEALTH AND HUMAN SERVICES

# PART 1. HEALTH AND HUMAN SERVICES COMMISSION

## CHAPTER 748. MINIMUM STANDARDS FOR GENERAL RESIDENTIAL OPERATIONS

The Texas Health and Human Services Commission (HHSC) adopts amendments to §§748.43, 748.105, 748.303, 748.311, 748.535, 748.721, 748.725, 748.729, 748.801, 748.831, 748.867, 748.869, 748.881, 748.882, 748.883, 748.885, 748.935, 748.937, 748.939, 748.943, 748.944, 748.947, 748.1211, 748.1217, 748.1303, 748.2009, 748.2307, 748.2507, 748.2553, 748.2651, 748.2801, 748.2953, 748.3273, 748.3301, 748.3361, 748.3421, 748.3443, 748.3601, 748.3603, 748.3757, 748.3931, and 748.4001; new §§748.511, 748.811, 748.813, 748.833, 748.863, 748.864, 748.887, 748.889, 748.911, 748.913, 748.915, 748.930, 748.931, 748.936, 748.941, 748.945, 748.1553, 748.1937, 748.2857, 748.3281, 748.3283, and 748.3363; and repeals of §§748.833, 748.863, 748.868, 748.901, 748.903, 748.931, 748.941, 748.945, 748.981, 748.983, 748.985, 748.987, 748.989, 748.1937, and 748.3363 in Title 26, Texas Administrative Code, Chapter 748, Minimum Standards for General Residential Operations.

Amendments to §§748.43, 748.303, 748.869, 748.885, 748.2009, 748.2307, 748.2507, 748.2553, 748.2651; and new §748.1553 and §748.1937 are adopted with changes to the proposed text as published in the December 24, 2021, issue of the *Texas Register* (46 TexReg 8904). These rules will be republished.

Amendments to §§748.105, 748.311, 748.535, 748.721, 748.725, 748.729, 748.801, 748.831, 748.867, 748.881, 748.882, 748.883, 748.935, 748.937, 748.939, 748.943, 748.944, 748.947, 748.1211, 748.1217, 748.1303, 748.2801, 748.2953, 748.3273, 748.3301, 748.3361, 748.3421, 748.3443, 748.3601, 748.3603, 748.3757, 748.3931, and 748.4001; new §§748.511, 748.811, 748.813, 748.833, 748.863, 748.864, 748.887, 748.889, 748.911, 748.913, 748.915, 748.930, 748.931, 748.936, 748.941, 748.945, 748.2857, 748.3281, 748.3283, and 748.3363; and repeals of §§748.833, 748.863, 748.868, 748.901, 748.903, 748.931, 748.941, 748.945, 748.981, 748.983, 748.985, 748.987, 748.989, 748.1937, and 748.3363 are adopted without changes to the proposed text, as published in the December 24, 2021, issue of the *Texas Register* (46 TexReg 8904). These rules will not be republished.

### BACKGROUND AND JUSTIFICATION

The amendments, new sections, and repeals are necessary to implement Texas Human Resources Code (HRC) §42.042(b), which requires HHSC Child Care Regulation (CCR) to conduct a comprehensive review of all minimum standards every six years. The rule changes are a result of the comprehensive review of all minimum standards located in Chapter 748. In addition, one of the rule changes implements a section of statute added by House Bill (H.B.) 700, 87th Texas Legislature, Regular Session, 2021.

During the review of standards, CCR's goal was to balance the concerns of child advocacy groups, General Residential Operations (GROs), children, and parents to ensure that standards in Chapter 748 promote the health, safety, and welfare of children in care and meet other requirements described in HRC §42.042(e).

In preparation for the review of minimum standards, CCR conducted a web-based survey to solicit feedback from permit holders, licensed administrators, caregivers, advocates, parents, CCR staff, and the general public. The survey was available September 4 - 19, 2019. During the next step in the review, CCR held a series of nine stakeholder forums throughout the state, in February and March 2020. Additional stakeholder forums were held virtually between July 31 and August 7, 2020. During the forums, CCR presented the survey results and solicited additional input from the public about possible changes to the minimum standards CCR was considering based upon the survey results.

CCR used the input obtained through the survey, stakeholder forums, and a review of all minimum standards conducted by both regional and State Office CCR staff, as the basis of the first round of recommendations for changes to minimum standards. The recommendations were presented on January 21, 2021, to a temporary workgroup that comprised 26 invited participants, including providers from GROs and representatives from CCR, the Texas Department of Family and Protective Services (DFPS) Child Protective Services division, and the DFPS Residential Contracts division. The workgroup reviewed and provided additional comments regarding the recommendations.

CCR used all the feedback received to draft rules for informal public comment. CCR received 125 comments during the informal comment period from July 12 to August 6, 2021. CCR carefully considered the comments when drafting rules for formal comment.

In addition to this consideration, the rule changes also include rules that CCR drafted to implement §264.1214(c) of Texas Family Code, which was added by H.B. 700, to allow an adult in care to share a bedroom with a child in care who is at least 16 years old and the age difference is not more than 24 months.

#### COMMENTS

The 31-day formal comment period ended January 24, 2022. During this period, HHSC received 102 comments regarding the proposed rules from three commenters: the Texas Alliance of Child and Family Services, Disability Rights Texas, and the Texas Council for Developmental Disabilities. A summary of comments relating to the rules and HHSC CCR's responses follows.

Comment: Regarding the rules process in general, one commenter recommended that CCR have face-to-face meetings with stakeholders to obtain feedback instead of relying on written comments.

Response: HHSC agrees with the commenter that face-to-face meetings with stakeholders are an important part of the rules process. Several stakeholder forums for this rule project were held both in person and virtually in February, March, July, and August of 2020. These forums were open to the general public, and they helped CCR determine what rule changes were needed in its comprehensive review of Chapter 748. Also, a temporary workgroup comprised of stakeholders met in January 2021 to provide additional input. While CCR recognizes the benefit of receiving stakeholder feedback through forums and meetings, CCR also welcomes written comments and recognizes their value in the rules process.

Comment: One commenter indicated that this comprehensive review of Chapter 748 was not truly comprehensive because the current rules process does not allow for meaningful reform. The

commenter also recommended other ways to improve the rules process, such as (1) having a third-party reviewer make recommendations about the regulatory scheme in Texas, (2) developing new standards to coincide with program service models for funding rates or to implement new license types, and (3) creating standards that allow for "deemed status" or other recognition of compliance with relevant accreditation standards.

Response: HHSC disagrees with the commenter that the current review is not truly comprehensive. CCR started its comprehensive review of Chapter 748 rules in 2019. The review has included multiple occasions and methods for regulated operations, stakeholders, and the public to provide input and comments on all rules. During the review, HHSC ensured drafted changes to the rules balanced both stakeholder requests for enhancing child health and safety and provider requests for minimizing regulatory burden on operations.

Comment: Regarding the proposed rules in general, one commenter indicated that, while the commenter appreciated HHSC simplified many rules, thereby making the burden of compliance a little lower for operations, there were instances in which the fiscal implications for the provider community were overlooked. The commenter indicated that some of the rule changes would require, among other things, operational policies to be updated, additional training for staff to be developed, and development of methods to monitor and maintain compliance with those rule changes. The commenter indicated that these and similar tasks would constitute an administrative and regulatory burden that would result in a fiscal impact to operations.

Response: HHSC disagrees with the commenter. The rule proposals for this project do not impose any additional costs for operations. Changes to regulations do not always carry a fiscal impact for operations. While some of the proposed changes add new requirements for providers, many proposed changes reduce or eliminate existing requirements. With respect to the rule proposals for training, several of the training requirements were decreased to reduce the burden on the provider community. After the rule changes are adopted, HHSC will inform operations of the adopted rules and when they will be effective. HHSC will also provide operations with a six-month period of technical assistance so that compliance with the rules can be achieved.

Comment: Regarding the rules process in general, one commenter recommended that HHSC obtain input from operations when assigning weights to the rules especially given the weights' importance in determining which operations are placed on heightened monitoring.

Response: HHSC disagrees with the commenter that HHSC should obtain input from operations when assigning weights to the rules. However, if an operation, stakeholder, or person had any recommendations regarding the weights for proposed rules, those recommendations may be submitted to HHSC while the rules are open for public comment. HHSC recognizes that an operation's noncompliance with high and medium-high weighted rules may impact determinations regarding heightened monitoring; however, weights are assigned based on the risk of harm to children if an operation violates the rule. HHSC has made changes to the structure of some rules to separate requirements that present a lower risk of harm from those that present a higher risk of harm in anticipation of adjusting the weights accordingly after rules are adopted.

Comment: Regarding the rule proposals for training in general, one commenter indicated that HHSC should use the compe-

tency-based training standards developed for psychiatric hospitals as a model.

Response: HHSC disagrees with the commenter. The standards for psychiatric hospitals mentioned by the commenter do not have the same applicability for child-care operations, which operate differently and serve a different population.

Comment: Regarding §748.43, two commenters indicated the terms and definitions for "medically pertinent incident," "emergency health situation," and "emergency care services" should be added to the rule.

Response: HHSC disagrees with the commenters' recommendation to revise the rule to include these terms and definitions. Any attempts at defining "emergency health situation" and "emergency care services" may pose problems if the definitions do not include all possible circumstances. Also, the use of "medically pertinent incident" in §748.303(b) suggests it is an incident that does not rise to the level of a serious incident and does not require reporting; therefore, the meaning of "medically pertinent incident" is described in the context of that rule and distinguishes it from what would need to be reported, such as a substantial physical injury or critical illness that a reasonable person would conclude needs treatment by a medical professional or hospitalization.

Comment: Regarding §748.43, two commenters indicated the definition of "chemical restraint" should say it is not to be used as discipline or convenience, and it is not standard treatment or dosage normally used for the child's medical or dental condition.

Response: HHSC disagrees with the commenters' recommendation to revise the rule because the proposed change to the definition already indicates that a "chemical restraint" is prohibited. Furthermore, the rule outlines that a "chemical restraint" is an emergency behavior intervention (EBI), and EBI rules prohibit a provider from using EBI as a punishment or convenience.

Comment: Regarding §748.43, two commenters indicated the definition of "immediate danger" needs to eliminate the age specification for a child running away.

Response: HHSC agrees with the commenters and revised the rule to ensure there is no age specification for a child running away in order for the situation to constitute "immediate danger" and to make the language in the definition more consistent with the same definition in Chapter 749, Minimum Standards for Child-Placing Agencies.

Comment: Regarding §748.43, two commenters indicated the definition of "personal restraint" should describe escorting as a response to a child resisting verbally in addition to physically.

Response: HHSC partially agrees with the commenters and revised the rule by deleting the sentence that addresses escorting from the definition of "personal restraint." It is not necessary to address escorting or other types of personal restraints in this definition, either in the current language or as requested by the commenters.

Comment: Regarding §748.43, two commenters recommended that the definition of "psycho-social assessment" include a reference to a diagnosis based on the "DM-ID 2" manual, so that diagnosis can be noted for a child who is dually diagnosed with a mental health condition and an intellectual or developmental disability.

Response: HHSC disagrees with the commenters that the definition of "psycho-social assessment" needs to be revised at this

time to incorporate the commenters' recommendation. HHSC needs more time to evaluate this recommendation and obtain input from providers, stakeholders, and the public before making substantive changes to the definition of "psycho-social assessment."

Comment: Regarding §748.43, one commenter recommended that the definition for "seclusion" be clarified so that a child does not need to be alone for seclusion to occur.

Response: HHSC disagrees with the commenter that the definition of "seclusion" needs to be revised at this time to incorporate the commenter's recommendation. HHSC needs more time to evaluate this recommendation and obtain input from providers, stakeholders, and the public before making substantive changes to the definition for "seclusion."

Comment: Regarding §748.43, two commenters indicated that objective criteria need to be developed and then included in the definition for "substantial physical injury," so that there is more consistency with other HHS programs in how injuries are assessed and reported.

Response: HHSC disagrees with the commenters that the definition of "substantial physical injury" needs to be revised at this time to incorporate the commenters' recommendation. HHSC needs more time to evaluate this recommendation and obtain input from providers, stakeholders, and the public before making changes to the definition of "substantial physical injury." Moreover, the current definition is consistent with the definition that DFPS uses in its investigations of possible child abuse, neglect, or exploitation in child-care investigations. See 40 Texas Administrative Code §707.801(b)(4).

Comment: Regarding §748.43, two commenters recommended that the definition for "trauma informed care" be clarified to emphasize methods of responding to certain situations.

Response: HHSC disagrees with the commenters' recommendation to revise the rule. Other rules already exist in Chapter 748 that require operations to integrate trauma-informed care into the care and treatment of each child.

Comment: Regarding §748.105, one commenter recommended that an operation's personnel policies and procedures include prohibited EBI practices.

Response: HHSC disagrees with the commenter's recommendation to revise the rule because existing rules require operational policies to cover prohibited EBI practices. The operational policies are shared with staff, and EBI training also covers what is prohibited.

Comment: Regarding §748.105, two commenters indicated support for the added language regarding (1) not delegating an employee's responsibility to report serious incidents and suspected abuse, neglect or exploitation, and (2) not requiring an employee to seek approval to file a report or notify the operation that a report was made. While both commenters supported the rule change, one commenter also recommended that a mandatory timeframe be added to make a report and the other commenter recommended that the same reporting requirements apply to any situation involving the safety of the child, including physical or sexual abuse committed by a child or a suicide attempt by a child.

Response: HHSC appreciates the support for the rule. However, HHSC disagrees with the commenters' recommendations to revise the rule further because (1) the rule references "serious incidents," which include physical or sexual abuse by a child or a

suicide attempt, as referenced in §748.303; and (2) a mandatory timeframe for reporting is already required by §748.303.

Comment: Regarding §748.303, one commenter recommended revising the requirements to notify parents "immediately after ensuring the safety of the child" in instances when physical abuse is committed by a child against another child, sexual abuse is commented by a child against another child, and a child attempts suicide.

Response: HHSC agrees with the commenter and revised §748.303(a)(4)(B)(ii), (a)(5)(B)(ii), and (a)(12)(B)(ii) to say "Immediately after ensuring the safety of the child" to be consistent with the response already in place for a substantial physical injury in §748.303(a)(2)(B)(ii).

Comment: Regarding §748.303, one commenter expressed concern that providers will be more likely to report every single law enforcement response based on the revised language that says any alleged incident that "could result in criminal charges being filed against the child" needs to be reported.

Response: HHSC disagrees with the commenter's recommendation to revise the rule further because the purpose of the language is to narrow the instances in which reporting would be required. If the proposed rule language were not adopted, the requirement would remain that every instance in which "law enforcement responds to an alleged incident at the operation" must be reported. HHSC is clarifying with the amendments that a report is only necessary when law enforcement responds to an alleged incident at the operation "that could result in criminal charges being filed against the child."

Comment: Regarding §748.303, two commenters expressed concern that serious incidents involving an adult resident do not need to be reported to CCR. The commenters indicated that adult residents have the same rights to a safe environment and to have serious incidents involving them investigated.

Response: HHSC disagrees with the commenters' recommendation to revise the rule. HHSC's regulatory authority is exclusive to the care of children, and the definition of "child" in HRC §42.002(1) is a person under the age of 18. Although minimum standards do provide criteria for when a young adult may be admitted into the care of a GRO, to address certain needs that a person will have after turning 18, these standards exist to support the DFPS need to place young adults who were formerly in the conservatorship of the state in child-care operations.

Comment: Regarding §748.303, one commenter recommended reverting back to the language originally used in §748.303(d)(2), that is "the parents," instead of the proposed language since "legally authorized representative" is now captured by the proposed definition of "parent" in §748.43.

Response: HHSC agrees with the commenter and will use "parent" in §748.303(d)(2) since the proposed definition of "parent" now captures "legally authorized representative."

Comment: Regarding §748.303, one commenter expressed concern regarding the report of "an allegation" in instances when an employee or caregiver inappropriately used EBI or used a prohibited EBI technique. The comment indicated "an allegation" can be widely interpreted to include any offhand statement, complaint, or concern.

Response: HHSC disagrees with the commenter's recommendation to revise the rule. The purpose of this rule is to require operations to report allegations of inappropriate emergency behav-

ior interventions to HHSC and to parents so that (1) HHSC can independently evaluate compliance with minimum standards, and (2) parents have relevant information about the child.

Comment: Regarding §748.303, one commenter indicated that there is no requirement in the standard to notify parents of any EBI that occurs. The commenter said this requirement is stated in proposed §748.2857, but not in §748.303.

Response: HHSC disagrees with the commenter's recommendation to revise §748.303 because, as the commenter indicated, the proposed requirement to notify parents of any EBI used with a child is proposed in a separate rule where the requirement is more appropriately placed, especially when consideration is given that not every EBI may constitute a serious incident.

Comment: Regarding §748.511, two commenters indicated support for the rule's clarification that an employee, contract service provider, or volunteer must not be in possession of a handgun while at the operation or while caring for children.

Response: HHSC appreciates the support for the rule.

Comment: Regarding §748.535, one commenter recommended that the rule require a child-care administrator to comply with a corrective action plan while the operation is on probation.

Response: HHSC agrees with the commenter that a child-care administrator be required to comply with a corrective action plan while the operation is on probation but declines to revise the rule. An operation must already comply with a corrective action plan while on probation according to §745.8641, and §748.535 outlines that the administrator has the administrative responsibility for the overall operation, which includes ensuring that the operation complies with all applicable laws and rules, including those in Chapter 745, Licensing.

Comment: Regarding §748.725, one commenter indicated support for the clarifications made to the rule's allowance for a volunteer or volunteer's family to take a child in care for an overnight or weekend visit.

Response: HHSC appreciates the support for the rule.

Comment: Regarding §§748.801, 748.833, 748.863, 748.867, 748.930, 748.931, 748.937, and 748.947, two commenters recommended all training be competency-based and that employees and caregivers be able to demonstrate their mastery of what was taught to them.

Response: HHSC disagrees with the commenters' recommendations to revise the rules to require competency-based training for all trainings. Pre-service and annual training for EBI have been, and continue to be, competency-based; however, requiring all trainings to be competency-based would likely result in additional costs and administrative and regulatory burdens on providers. The proposed changes to many of the training requirements are meant to provide operations with greater flexibility and clarity while making the rules consistent with changes already adopted for Chapter 749, Minimum Standards for Child-Placing Agencies. While further changes to these rules will not be made at this time, HHSC may consider the commenters' recommendation during future revisions to Chapter 748.

Comment: Regarding §748.863, two commenters indicated a caregiver should not be able to administer a short personal restraint prior to completing all the required pre-service training for EBI. One of the two commenters also suggested that examples be provided regarding what a short personal restraint should not

entail, such as arm twisting, knee buckling, throttling or choking, throwing or holding a child against a wall, or similar maneuvers.

Response: HHSC disagrees with the commenters' recommendation to revise the rule because there may be instances when a caregiver needs to use a short personal restraint to ensure a child's safety, even though the caregiver has not completed all pre-service training for EBI. The proposed rule is meant to provide operations with greater flexibility while making the rule consistent with changes already adopted for Chapter 749, Minimum Standards for Child-Placing Agencies, and §748.2461 already outlines what precautions must be taken when implementing a short personal restraint.

Comment: Regarding §748.864, two commenters recommended that child-care administrators, professional level service providers, treatment directors, and case managers be required to complete pre-service training for EBI before beginning job duties, not within 90 days of beginning job duties.

Response: HHSC disagrees with the commenters' recommendation to revise the rule because the purpose the 90-day timeframe is to provide operations with flexibility. Also, the proposed rule makes changes consistent with what is currently required by Chapter 749, Minimum Standards for Child-Placing Agencies.

Comment: Regarding §748.869 and §748.941, two commenters recommended that an instructor be certified in a recognized method of EBI, rather than being able to document knowledge of EBI and the course material, methods of delivering the training, and methods for evaluating and assessing a participant's knowledge and competency of the training and physical techniques, if applicable.

Response: HHSC disagrees with the commenters' recommendation to revise the rules to require all EBI instructors to be certified because HHSC anticipates this change would result in a fiscal impact to providers due to the copyrights associated with some recognized methods of EBI. HHSC needs more time to evaluate this recommendation and obtain input from providers, stakeholders, and the public before making substantive changes to requirements associated with who may serve as an EBI instructor.

Comment: Regarding §748.869, two commenters recommended a grammatical change so that EBI training may include instruction on more than one technique.

Response: HHSC agrees with the commenters' recommendation and revised the rule to clarify that EBI training may include instruction on more than one technique.

Comment: Regarding §748.882, two commenters indicated that the impact of trauma be added as a curriculum component to the pre-service training for normalcy.

Response: HHSC disagrees with the commenters' recommendation to revise the rule because trauma informed care already constitutes a separate pre-service curriculum component, as referenced in §748.881.

Comment: Regarding §748.885, two commenters recommended that the rule echo what is already noted in proposed §748.863, specifically that pre-service training for administering psychotropic medication is required before any caregiver administers the medication. In addition, the two commenters recommended adding language so that policies and procedures for administering psychotropic medication include the documentation of the medication administered.

Response: HHSC partially agrees with the commenters. HHSC declines to revise the rule to add requirements that are covered by proposed §748.863; however, HHSC agrees to revise the rule to include the documentation of the medication administration as part of the curriculum component for any related policies and procedures.

Comment: Regarding §748.887, two commenters recommended that the EBI policies for an operation clearly state that caregivers are prohibited from using any EBI if the operation does not allow the use of any EBI. The two commenters also recommended that de-escalation, successful conflict resolution, alternatives to physical techniques, and trauma informed care be included as curriculum components. Finally, the two commenters expressed their support for the curriculum component relating to "less restrictive strategies caregivers can use to engage a child and de-escalate a situation."

Response: HHSC appreciates the commenters' support for the curriculum component, but disagrees with their recommendations and declines to revise the rule because the purpose of the rule is to address what curriculum components must be included in the EBI pre-service training for an operation that does not allow the use of EBI. An operation's policies regarding a caregiver's use of EBI are covered by a separate rule. Moreover, de-escalation, successful conflict resolution, and alternatives to physical techniques are already addressed in the proposed rule language. In addition, trauma informed care already constitutes a pre-service curriculum component on its own.

Comment: Regarding §748.889, two commenters indicated support for the pre-service curriculum component relating to "strategies for re-integration of children into the environment after the use of emergency behavior intervention, including the debriefing of caregivers and the child" for an operation that does allow the use of EBI. Furthermore, the two commenters recommended that a debriefing routinely occur after the use of any EBI.

Response: HHSC appreciates the commenters' support for the curriculum component mentioned in their comment. However, HHSC disagrees with the commenters' recommendation to revise the rule to address when routine debriefings occur; post-emergency behavior intervention discussions are already addressed by §748.2851.

Comment: Regarding the repeal of §748.931, one commenter indicated that the 180-day timeframe for completing annual training for EBI is confusing when there are 365 days in a calendar year and the intention of timeframe appears to require EBI training twice a year. On a general note, the commenter indicated that CCR inspectors are issuing "hyper-technical citations" after calculating the number of exact days and finding that the operation is out of compliance.

Response: HHSC disagrees with the commenter. HHSC understands the commenter's concern; however, the 180-day timeframe is being repealed as part of the repeal of §748.931. Proposed §748.936 instead requires a caregiver to complete EBI annual training within six months of the date the caregiver last received the training if children receive treatment services at the operation.

Comment: Regarding §748.935, two commenters recommended deleting "with the exception of emergency behavior intervention training" from the rule's direction on when an employee or caregiver must complete annual training.

Response: HHSC disagrees with the commenters' recommendation to revise the rule because the purpose of the rule is to address all annual training except for that relating to EBI. Proposed §748.936 addresses when a caregiver must complete annual EBI training.

Comment: Regarding §748.936, two commenters expressed confusion regarding whether this rule addressed annual EBI training or pre-service EBI training. The two commenters also recommended that a caregiver or employee should not be able to physically intervene in an emergency situation until the completion of EBI training.

Response: HHSC disagrees with the commenters' recommendations to revise the rule that pertains to annual EBI training for caregivers, because a caregiver may need to physically intervene during an emergency situation to ensure child safety even if the caregiver is overdue for annual EBI training.

Comment: Regarding §748.939, two commenters indicated that, while CCR does not endorse training resources or trainers for annual training, it is within CCR's authority and responsibility to delineate what the trainings must cover, and this must be incorporated into the rule.

Response: HHSC disagrees with the commenters' recommendation to revise the rule further because the purpose of the rule is to simply state that CCR does not endorse training resources or trainers to meet annual training hour requirements. There are other rules to indicate what trainings must or may be used to meet annual training requirements. Proposed Chapter 748, Subchapter F, Division 8 (relating to Topics and Curriculum Components for Annual Training) identifies curriculum components for annual training.

Comment: Regarding §748.941, one commenter expressed concern that there is currently no indication that the online DFPS training related to administering psychotropic medication can satisfy the annual training requirement like it does for pre-service, as indicated in the "Helpful Information" section under §748.885, in the online courtesy publication of Chapter 748.

Response: HHSC agrees with the commenter and will include a "Helpful Information" section for proposed §748.941 in the online courtesy publication of Chapter 748 that mirrors the "Helpful Information" section for §748.885.

Comment: Regarding §748.943, two commenters asked that the impact of trauma and use of trauma informed care be added as topics that are appropriate for annual training.

Response: HHSC disagrees with the commenters' recommendation to revise the rule to include these topics because annual training regarding trauma informed care is already required by proposed §748.930 for caregivers and proposed §748.931 for employees.

Comment: Regarding §748.947, two commenters expressed confusion regarding whether annual training requirements for EBI are required because §748.931 states that there are no annual training requirements for EBI. The two commenters recommended that the rule mandate annual re-evaluation for EBI. The two commenters also recommended that the rule include what EBI curriculum is required and that a caregiver not be required to repeat the entire training as long as the caregiver could demonstrate continued mastery of the training.

Response: HHSC disagrees with the commenters' recommendation to revise §748.947. The rule pertains to caregivers,

whereas §748.931 pertains to employees. Both rules have different requirements regarding annual EBI training for caregivers versus employees, and these differences are consistent with what is required in Chapter 749, Minimum Standards for Child-Placing Agencies. Regarding the recommendation to include what EBI curriculum is required, §748.947 refers to §748.887 and §748.889, which respectively relate to the basic principles and curriculum components required for EBI training so that those requirements can be reinforced to develop and refine the caregiver's skills. Regarding any requirement to repeat the entire EBI training, the proposed rule does not require a caregiver to repeat the training; rather a caregiver must demonstrate knowledge and competency of the training material at the end of the training to meet annual EBI training requirements, as stated in proposed §748.941.

Comment: Regarding §748.1217, one commenter indicated support for the addition of "any history of trauma" to the list of information required in an admission assessment prior to a child's non-emergency admission.

Response: HHSC appreciates the support for the rule.

Comment: Regarding §748.1303, one commenter recommended adding language allowing for the inclusion and use of an educational surrogate to attend Admission, Review, and Dismissal (ARD); Individual Education Plan (IEP); Individual Transitional Planning (ITP); and other school meetings.

Response: HHSC disagrees with the commenter's recommendation to revise the rule because the rule does not prevent an educational surrogate from participating in a child's educational plans.

Comment: Regarding §748.1553, one commenter indicated support for the rule's requirements regarding (1) what a caregiver must do when a child is injured or ill and requires immediate treatment by a health-care professional; and (2) a caregiver not being required to seek approval to contact emergency services or to take the child to the nearest emergency room. Another commenter recommended that the rule be clarified so that treatment of the child may be provided by a healthcare professional, either at the facility or in the community, which would not require emergency services to be called or the child to be taken to the emergency room.

Response: HHSC appreciates the support for the rule by one commenter. HHSC also agrees with the other commenter and revised the rule to allow the operation to use a healthcare professional in the community if one is not available at the operation.

Comment: Regarding §748.2009, one commenter expressed concern that it is impractical to consult with a health care professional in many instances to ensure that a non-prescription medication or supplement is not contraindicated with the prescribed medication. Another commenter suggested the language be revised to allow consultation with a pharmacist first and then the healthcare professional if a contraindication is identified.

Response: HHSC agrees with the commenter and revised the rule so that the language simply requires the operation to ensure the non-prescription medication or supplements are not contraindicated with the medication prescribed or the child's medical conditions. This provides the operation with flexibility while still ensuring a child's safety when taking a non-prescription medication or supplement.

Comment: Regarding §748.2307, one commenter recommended adding language to the rule to prohibit hot peppers or pepper sauce being put in a child's mouth as punishment.

Response: HHSC disagrees with the commenter's recommendation to revise the rule to specifically prohibit hot peppers or pepper sauce being placed in a child's mouth for punishment because these circumstances are covered by the current rule. However, HHSC revised the rule to delete the examples of "soap or tape" to eliminate possible interpretation that the examples in the rule are an exhaustive list. HHSC will add the examples in the current rule and those recommended by the commenter to a "Helpful Information" section under §748.2307 in the online courtesy publication of Chapter 748.

Comment: Regarding §748.2307, two commenters recommended that a list of approved devices to be used as mechanical restraints be added to the rule to distinguish those devices from the forbidden ones, such as using a "highchair, box, or other similar furniture or equipment" to confine and punish a child.

Response: HHSC disagrees with the commenters' recommendation to revise the rule because the rule does not address mechanical restraints. The purpose of the rule is to address prohibited methods of punishment, like confining a child to a highchair, box, or other similar furniture or equipment. A "mechanical restraint" is defined in §748.43, and its use is covered under EBI rules in Subchapter N.

Comment: Regarding §748.2507, two commenters indicated that careful reconsideration should be given to using PRN orders for emergency interventions. One of the two commenters indicated that PRN orders for EBI are essentially standing orders that allow a caregiver to evaluate a particular child's need for EBI and then perform the EBI whenever the caregiver sees the need. Both commenters indicated that the rule is not clear and had questions regarding (1) whether a PRN for an EBI is valid at times other than an emergency, (2) if EBI can be used during an emergency situation in the absence of a PRN, and (3) if parental consent is required before the ordering of a PRN or the performing of any EBI according to that order.

Response: HHSC disagrees with the commenters' recommendation to revise the rule with respect to the commenters' concerns at this time. HHSC needs more time to evaluate this recommendation and obtain input from providers, stakeholders, and the public before making substantive changes to requirements regarding PRN orders for EBIs. To answer the commenters' questions, (1) existing rules indicate that any EBI performed must be in response to an emergency situation, (2) an EBI may be used during an emergency situation in the absence of a PRN order, and (3) parental consent is not required before the ordering of a PRN or the performing of any EBI according to that order.

Comment: Regarding §748.2507, one commenter indicated it is not clear who can order a PRN for personal restraint, how often PRNs are reviewed, and how often PRNs can be renewed.

Response: HHSC agrees with the commenter and revised the rule to clarify that a licensed psychiatrist or psychologist may originate the PRN order for personal restraint. To answer the commenter's other questions, the rule specifies that PRN orders for EBIs must be reviewed at least every 30 days; however, there is no limit specified regarding how often the orders may be renewed.

Comment: Regarding §748.2507, two commenters recommended revising or deleting the requirement that orders must include the number of times a child may be restrained in a seven-day period. One of the two commenters asked if a legitimate emergency situation is to be ignored by not intervening because the limit on the number of restraints in a seven-day period had been reached. The other commenter indicated that if the number of restraints is predictable, it suggests that any restraint used would not be in response to an emergency situation.

Response: HHSC disagrees with the commenters' recommendation to revise the rule to delete the current requirement that a PRN order must outline the number of times a caregiver may use a personal restraint under the PRN order. The rule is not meant to outline a specific number of times a child may be restrained in all emergency situations or to remove the "emergency situation" requirement that must be present for a caregiver to use a personal restraint. As outlined in §748.2501, PRN orders for personal restraints are required only when the restraint is (1) successive; (2) used simultaneously with an emergency medication; or (3) exceeds the maximum time limit under §748.2801. It is critical to child safety that §748.2507 require that a licensed psychiatrist or psychologist outline when and how often a child may be successively restrained, restrained simultaneously while having an emergency medication administered, or restrained longer than 30 minutes.

Comment: Regarding §748.2507, one commenter indicated that a parent should be notified any time an EBI is used, not just when PRN orders are obtained. Also, any notice to the parent should occur within 24 hours, not 72 hours.

Response: HHSC disagrees with the commenter's recommendation to revise the rule because proposed §748.2857 already addresses parental notification when EBI is used. The purpose of the 72-hour timeframe is to provide operations with enough flexibility to comply with the notification requirements. However, existing rules regarding serious incident reporting require quicker timeframes should the EBI used be part of a serious incident.

Comment: Regarding §748.2553, two commenters indicated "disruptive behavior" does not represent an emergency situation; therefore, "disruptive behavior" should be deleted. One of the two commenters also noted that the figure is confusing as to when to release a child from the EBI because the situations listed in the second column appear to convey either-or options for the caregiver that may result in a child not being released when an emergency health situation occurs, the maximum time allowed for a personal restraint is reached, or a child falls asleep in the mechanical restraint.

Response: HHSC agrees with the commenters and revised the rule to say, "the emergency situation no longer exists" instead of "the disruptive behavior is de-escalated." HHSC also revised the heading of the figure's second column to say, "The caregiver must release the child if any of the following apply," to provide further clarify that the child must be released if any one of the circumstances listed exists.

Comment: Regarding §748.2651, two commenters recommended adding language to clarify that observation of the child in seclusion can take place by a caregiver in the environment or room where the child is placed in seclusion. Additionally, the two commenters recommended that the child's medical record



include an inventory of any personal possessions or articles of clothing that were taken away.

Response: HHSC agrees with the commenters and revised the rule to clarify that the observation of the child in seclusion can take place by a caregiver in the environment or room where the child is placed in seclusion. Regarding the recommendation to inventory any personal possessions or articles of clothing that were taken away while the child is in seclusion, there are existing rules safeguarding a child's rights to maintain personal items unless there is a risk to child safety.

Comment: Regarding §748.2801, two commenters recommended reducing the maximum amount of time for a child to be held in a personal restraint, from 30 minutes to 15 minutes. The two commenters also recommended that anything or anyone triggering the child should be removed from the area to de-escalate the situation.

Response: HHSC disagrees with the commenters' recommendation to revise the rule at this time. Regarding the recommendation to reduce the 30-minute time limit for a personal restraint, HHSC needs more time to evaluate this recommendation and obtain input from providers, stakeholders, and the public before making substantive changes to EBI requirements. Regarding the recommendation to remove any triggers for the child, existing EBI training rules already require a caregiver to be trained regarding the psychological impact of EBI and strategies and techniques for less restrictive interventions.

Comment: Regarding §748.2857, two commenters indicated that the notice to the parent should occur within 24 hours, not 72 hours, anytime an EBI is used with a child. Additionally, the two commenters indicated that the parent should have an opportunity to talk with operation to understand what caused the incident, how it was addressed, and what precautions can be taken to prevent a reoccurrence. Conversely, a third commenter indicated that parental notification for each EBI used with a child will add additional paperwork and time spent away from child when this time could be used to respond to the child's needs.

Response: HHSC disagrees with the commenters' recommendations to revise the rule because the purpose of the 72-hour timeframe is to provide operations with enough flexibility to comply with the notification requirements while still improving the parent's awareness of instances in which EBI was used with his or her child. Moreover, existing rules regarding serious incident reporting require quicker timeframes should the EBI used be part of a serious incident. Lastly, nothing in rule prevents any discussions between the parent and the operation after the parent is notified that an EBI was used with his or her child.

Comment: Regarding §748.2857, one commenter asked that (1) the new rule be weighted medium or lower since the requirements mainly relate to documentation and (2) the fiscal implications relating to an increase in an operation's documentation be considered.

Response: Regarding the weight to be assigned to the rule, HHSC will carefully consider the nature of the rule when assigning its weight. Regarding any possible fiscal implications for the rule, this rule does not impose any additional costs for operations. The list of items to be communicated to the child's parent within 72 hours currently must be documented in the child's file within 24 hours under §748.2855.

Comment: Regarding §748.2857, one commenter indicated that parental notifications should occur for short personal restraints and they should not be exempted from the rule's requirements.

Response: HHSC disagrees with the commenter's recommendation to revise the rule because the nature of a short personal restraint, as described in §748.2459, is a brief intervention used in an urgent situation and is a typical, expected, and frequent occurrence in all settings where children are present. Further, if a short personal restraint is used in conjunction with a serious incident, §748.303 would require notifications to parents in certain situations.

Comment: Regarding §748.2953, one commenter indicated that short personal restraints should be included in the EBI data that must be collected and reported quarterly. In addition, two commenters recommended changing "us" to "HHSC" to clearly identify itself as the recipient of the data.

Response: HHSC disagrees with the commenter's recommendation to revise the rule because the nature of a short personal restraint as described in §748.2459 is a brief intervention used in an urgent situation and is a typical, expected, and frequent occurrence in all settings where children are present. Regarding the recommendation to change "us" to "HHSC," an existing rule already identifies the meaning of "us" in the chapter.

Comment: Regarding §748.3281 and §748.3283, which would require an operation to review the Consumer Product Safety Commission's recall list to ensure there are no unsafe products at the operation, one commenter recommended withdrawing these rules. The commenter indicated that compliance and enforcement of the rules would be challenging and there could be fiscal implications related to monitoring what is on the recall list and overseeing compliance. Furthermore, the commenter recommended if the rule is retained, that it be given a medium weight based on the possibility of household products on the recall list that are generally unrelated to child care.

Response: HHSC disagrees with commenter's recommendation to withdraw the rules because their purpose is to ensure children's safety. In addition, small and large child-care operations have minimum standards requiring the operation check the Consumer Product Safety Commission's recall list, so this requirement is not new to the regulatory environment. These rule proposals do not impose any additional costs for operations. Regarding the weights to be assigned to the rules, HHSC will carefully consider the nature of the rules when assigning their weights.

Comment: Regarding §748.3363, one commenter recommended adding language to clarify that the service planning team's assessment is applied to siblings of opposite genders when at least one of the siblings is six years old or older and consideration is being given as to whether the siblings may share a bedroom.

Response: HHSC disagrees with the commenter's recommendation to revise the rule. Proposed §748.3363(b) already requires the service planning team to assess the children and determine that there is no known risk of harm to them before allowing children of the opposite gender to share a bedroom.

Comment: Regarding §748.3363, one commenter indicated that children who are non-ambulatory and receiving treatment services for primary medical needs may be totally aware, in which case, they deserve privacy and should have the right to express

preference relating to sharing a room with a child of the opposite gender.

Response: HHSC disagrees with the commenter's recommendation to revise the rule. Proposed §748.3363(b) requires the service planning team to assess the children and determine that there is no known risk of harm to them before allowing children of the opposite gender to share a bedroom. According to existing rules, the service planning team includes the child and the child's parents, who can communicate the child's preference, which can be noted as part of the service planning team's assessment.

Comment: Regarding §748.3757, two commenters recommended that child to adult ratios be applied to wading pool activities.

Response: HHSC disagrees with the commenters' recommendation to revise the rule at this time, because the rule does not exempt an operation from complying with child to adult ratios. The proposed rule requires the operation to follow the child to caregiver ratio requirements in §748.1003 to situations in which children are participating in water activities, such as sprinkler play or splash pad or wading pool, as long as the standing water is less than two feet.

HHSC clarified the language in §748.1937(a)(1) to make it more precise.

## SUBCHAPTER B. DEFINITIONS AND SERVICES

### DIVISION 1. DEFINITIONS

#### 26 TAC §748.43

##### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

##### §748.43. *What do certain words and terms mean in this chapter?*

The words and terms used in this chapter have the meanings assigned to them under §745.21 of this title (relating to What do the following words and terms mean when used in this chapter?), unless another meaning is assigned in this section or unless the context clearly indicates otherwise. The following words and terms have the following meanings unless the context clearly indicates otherwise:

(1) Accredited college or university--An institution of higher education accredited by one of the following regional accrediting entities:

(A) The Southern Association of Colleges and Schools Commission on Colleges, a subdivision of the Southern Association of Colleges and Schools;

(B) The Middle States Commission on Higher Education, a component of the Middle States Association of Colleges and Schools;

(C) The Commission on Institutions of Higher Education, a subdivision of the New England Association of Schools and Colleges;

(D) The Higher Learning Commission (formerly part of the North Central Association of Colleges and Schools);

(E) The Northwest Commission on Colleges and Universities;

(F) The Accrediting Commission for Senior Colleges and Universities, a subdivision of the Western Association of Schools and Colleges; or

(G) The Accrediting Commission for Community and Junior Colleges, a subdivision of the Western Association of Schools and Colleges.

(2) Activity space--An area or room used for child activities.

(3) Adaptive functioning--Refers to how effectively a person copes with common life demands and how well the person meets standards of personal independence expected of someone in his particular age group, sociocultural background, and community setting.

(4) Adult--A person 18 years old or older.

(5) Caregiver--A person counted in the child/caregiver ratio, whose duties include the direct care, supervision, guidance, and protection of a child. This does not include a contract service provider who:

(A) Provides a specific type of service to your operation for a limited number of hours per week or month; or

(B) Works with one particular child.

(6) Certified lifeguard--A person who has been trained in rescue techniques, lifesaving, and water safety by a qualified instructor from a recognized organization that awards a certificate upon successful completion of the training. A certified lifeguard ensures the safety of persons by preventing and responding to water related emergencies.

(7) Chemical restraint--A prohibited type of emergency behavior intervention that uses chemicals or pharmaceuticals through topical application, oral administration, injection, or other means to immobilize or sedate a child as a mechanism of control. The use of a medication is not a chemical restraint under this chapter if the medication:

(A) Is prescribed by a treating health-care professional;

(B) Is administered solely for medical or dental reasons; and

(C) Has a secondary effect of immobilizing or sedating a child.

(8) Child/caregiver ratio--The maximum number of children for whom one caregiver can be responsible.

(9) Childhood activities--Activities that are generally accepted as suitable for children of the same chronological age, level of maturity, and developmental level as determined by a reasonable and prudent parent standard as specified in §748.705 of this chapter (relating to What is the "reasonable and prudent parent standard"?). Examples of childhood activities include extracurricular activities, in-school and out-of-school activities, enrichment activities, cultural activities, and employment opportunities. Childhood activities include unsupervised childhood activities.

(10) Child in care--A child who is currently admitted as a resident of a general residential operation, regardless of whether the child is temporarily away from the operation, as in the case of a child at school or at work. Unless a child has been discharged from the operation, the child is considered a child in care.

(11) Child passenger safety seat system--An infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.

(12) Contract service provider--A person or entity that is contracting with the operation to provide a service, whether paid or unpaid. Also referred to as "contract staff" and "contractor" in this chapter.

(13) Corporation or other type of business entity--May include an association, corporation, nonprofit association, nonprofit corporation, nonprofit association with religious affiliation, nonprofit corporation with religious affiliation, limited liability company, political subdivision, or state agency. For purposes of this chapter, this definition does not include any type of "partnership," which is defined separately.

(14) Cottage or cottage home--A living arrangement for children who are not receiving treatment services in which:

(A) Each group of children has separate living quarters;

(B) 12 or fewer children are in each group;

(C) Primary caregivers live in the children's living quarters, 24 hours per day for at least four days a week or 15 days a month; and

(D) Other caregivers are used only to meet the child-to-caregiver ratio in an emergency or to supplement care provided by the primary caregivers.

(15) Counseling--A procedure used by professionals from various disciplines in guiding individuals, families, groups, and communities by such activities as delineating alternatives, helping to articulate goals, processing feelings and options, and providing needed information. This definition does not include career counseling.

(16) Days--Calendar days, unless otherwise stated.

(17) De-escalation--Strategies used to defuse a volatile situation, to assist a child to regain behavioral control, and to avoid a physical restraint or other behavioral intervention.

(18) Department--The Texas Department of Family and Protective Services (DFPS).

(19) Discipline--A form of guidance that is constructive or educational in nature and appropriate to the child's age, development, situation, and severity of the behavior.

(20) Emergency behavior intervention (EBI)--Interventions used in an emergency situation, including personal restraints, mechanical restraints, emergency medication, and seclusion.

(21) Emergency medication--A type of emergency behavior intervention that uses chemicals or pharmaceuticals through topical application, oral administration, injection, or other means to modify a child's behavior. The use of a medication is not an emergency medication under this chapter if the medication:

(A) Is prescribed by a treating health-care professional;

(B) Is administered solely for a medical or dental reason (e.g. Benadryl for an allergic reaction or medication to control seizures); and

(C) Has a secondary effect of modifying a child's behavior.

(22) Emergency situation--A situation in which attempted preventative de-escalatory or redirection techniques have not effectively

reduced the potential for injury, so that intervention is immediately necessary to prevent:

(A) Imminent probable death or substantial bodily harm to the child because the child attempts or continually threatens to commit suicide or substantial bodily harm; or

(B) Imminent physical harm to another because of the child's overt acts, including attempting to harm others. These situations may include aggressive acts by the child, including serious incidents of shoving or grabbing others over their objections. These situations do not include verbal threats or verbal attacks.

(23) Employee--A person an operation employs full-time or part-time to work for wages, salary, or other compensation. For the purposes of this chapter, employees include all operation staff and any owner who is present at the operation or transports any child in care.

(24) Family members--An individual related to another individual within the third degree of consanguinity or affinity. For the definitions of consanguinity and affinity, see Chapter 745 of this title (relating to Licensing). The degree of the relationship is computed as described in Texas Government Code, §573.023 (relating to Computation of Degree of Consanguinity) and §573.025 (relating to Computation of Degree of Affinity).

(25) Field trip--A group activity conducted away from the operation.

(26) Food service--The preparation or serving of meals or snacks.

(27) Full-time--At least 30 hours per week.

(28) Garbage--Food or items that when deteriorating cause offensive odors and/or attract rodents, insects, and other pests.

(29) General Residential Operation--A residential child-care operation that provides child care for seven or more children or young adults. The care may include treatment services or programmatic services. These operations include formerly titled emergency shelters, operations providing basic child care, residential treatment centers, and halfway houses.

(30) Governing body--A group of persons or officers of the corporation or other type of business entity having ultimate authority and responsibility for the operation.

(31) Group of children--Children assigned to a specific caregiver or specific caregivers. Generally, the group stays with the assigned caregivers throughout the day and may move to different areas throughout the operation, indoors and out. For example, children who are assigned to specific caregivers occupying a unit or cottage are considered a group.

(32) Health-care professional--A licensed physician, licensed advanced practice registered nurse (APRN), physician's assistant, licensed vocational nurse (LVN), licensed registered nurse (RN), or other licensed medical personnel providing health care to the child within the scope of the person's license. This does not include physicians, nurses, or other medical personnel not licensed to practice in the United States or in the country in which the person practices.

(33) High-risk behavior--Behavior of a child that creates an immediate safety risk to self or others. Examples of high-risk behavior include suicide attempt, self-abuse, physical aggression causing bodily injury, chronic running away, substance abuse, fire-setting, and sexual aggression or perpetration.

(34) Human services field--A field of study that contains coursework in the social sciences of psychology and social work in-

cluding some counseling classes focusing on normal and abnormal human development and interpersonal relationship skills from an accredited college or university. Coursework in guidance counseling does not apply.

(35) Immediate danger--A situation where a prudent person would conclude that bodily harm would occur if there were no immediate interventions. Immediate danger includes a serious risk of suicide, serious physical injury to self or others, or the probability of bodily harm resulting from a child running away. Immediate danger does not include:

(A) Harm that might occur over time or at a later time;

or

(B) Verbal threats or verbal attacks.

(36) Infant--A child from birth through 17 months.

(37) Livestock--An animal raised for human consumption or an equine animal.

(38) Living quarters--A structure or part of a structure where a group of children reside, such as a building, house, cottage, or unit.

(39) Mechanical restraint--A type of emergency behavior intervention that uses the application of a device to restrict the free movement of all or part of a child's body in order to control physical activity.

(40) Mental health professional--Refers to:

(A) A psychiatrist licensed by the Texas Medical Board;

(B) A psychologist licensed by the Texas State Board of Examiners of Psychologists;

(C) A master's level social worker or higher licensed by the Texas State Board of Social Work Examiners;

(D) A professional counselor licensed by the Texas State Board of Examiners of Professional Counselors;

(E) A marriage and family therapist licensed by the Texas State Board of Examiners of Marriage and Family Therapists; and

(F) A master's level or higher nurse licensed as an Advanced Practice Registered Nurse by the Texas Board of Nursing and board certified in Psychiatric/Mental Health.

(41) Non-ambulatory--A child that is only able to move from place to place with assistance, such as a walker, crutches, a wheelchair, or prosthetic leg.

(42) Non-mobile--A child that is not able to move from place to place, even with assistance.

(43) Normalcy--See §748.701 of this chapter (relating to What is "normalcy"?).

(44) Operation--General residential operations, including residential treatment centers.

(45) Owner--The sole proprietor, partnership, or corporation or other type of business entity who owns the operation.

(46) Parent--A person or entity that has legal responsibility for or legal custody of a child, including the managing conservator or legal guardian of the child or a legally authorized representative of an entity with that status.

(47) Partnership--A partnership may be a general partnership, (general) limited liability partnership, limited partnership, or limited partnership as limited liability partnership.

(48) Permit holder--The owner of the operation that is granted the permit.

(49) Permit is no longer valid--For purposes of this chapter, a permit remains valid through the renewal process. A permit only becomes invalid when your operation voluntarily closes or is required to close through an enforcement action in Subchapter L of Chapter 745 (relating to Enforcement Actions).

(50) Person legally authorized to give consent--The person legally authorized to give consent by the Texas Family Code or a person authorized by the court.

(51) Personal restraint--A type of emergency behavior intervention that uses the application of physical force without the use of any device to restrict the free movement of all or part of a child's body in order to control physical activity.

(52) Physical force--Pressure applied to a child's body that reduces or eliminates the child's ability to move freely.

(53) PRN--A standing order or prescription that applies "pro re nata" or "as needed according to circumstances."

(54) Prone restraint--A restraint in which the child is placed in a chest-down hold.

(55) Psychosocial assessment--An evaluation by a mental health professional of a child's mental health that includes a:

(A) Clinical interview of the child;

(B) Diagnosis from the Diagnostic and Statistical Manual of Mental Disorders 5 (DSM-5), or statement that rules out a DSM-5 diagnosis;

(C) Treatment plan for the child, including whether further evaluation of the child is needed (for example: is a psychiatric evaluation needed to determine if the child would benefit from psychotropic medication or hospitalization; or is a psychological evaluation with psychometric testing needed to determine if the child has a learning disability or an intellectual disability); and

(D) Written summary of the assessment.

(56) Re-evaluate--Re-assessing all factors required for the initial evaluation for the purpose of determining if any substantive changes have occurred. If substantive changes have occurred, these areas must be fully evaluated.

(57) Regularly--On a recurring, scheduled basis. Note: For the definition for "regularly or frequently present at an operation" as it applies to background checks, see §745.601 of this title (relating to What words must I know to understand this subchapter?).

(58) Residential child-care operation--A licensed or certified operation that provides residential child care. Also referred to as a "residential child-care facility."

(59) Residential Treatment Center (RTC)--A general residential operation for seven or more children or young adults that exclusively provides treatment services for children with emotional disorders.

(60) Sanitize--The use of a product (usually a disinfecting solution) registered by the Environmental Protection Agency (EPA) that substantially reduces germs on inanimate objects to levels considered safe by public health requirements. Many bleach and hydrogen peroxide products are EPA-registered. You must follow the product's

labeling instructions for sanitizing (paying particular attention to any instructions regarding contact time and toxicity on surfaces likely to be mouthed by children, such as toys and crib rails). For an EPA-registered sanitizing product or disinfecting solution that does not include labeling instructions for sanitizing (a bleach product, for example), you must conduct these steps in the following order:

- (A) Washing with water and soap;
- (B) Rinsing with clear water;
- (C) Soaking in or spraying on a disinfecting solution for at least two minutes. Rinsing with cool water only those items that a child is likely to place in his mouth; and
- (D) Allowing the surface or item to air-dry.

(61) School-age child--A child who is five years old or older and is enrolled in or has completed kindergarten.

(62) Seat belt--A lap belt and any shoulder strap included as original equipment on or added to a motor vehicle.

(63) Seclusion--A type of emergency behavior intervention that involves the involuntary separation of a child from other children and the placement of the child alone in an area from which the child is prevented from leaving. Examples of such an area include where the child is prevented from leaving by a physical barrier, force, or threat of force.

(64) Service plan--A plan that identifies a child's basic and specific needs and how those needs will be met.

(65) Short personal restraint--A personal restraint that does not last longer than one minute before the child is released.

(66) State or local fire authority--A fire official who is authorized to conduct fire safety inspections on behalf of the city, county, or state government, including certified fire inspectors.

(67) State or local sanitation official--A sanitation official who is authorized to conduct environmental sanitation inspections on behalf of the city, county, or state government.

(68) Substantial physical injury--Physical injury serious enough that a reasonable person would conclude that the injury needs treatment by a medical professional, including dislocated, fractured, or broken bones; concussions; lacerations requiring stitches; second and third degree burns; and damages to internal organs. Evidence that physical injury is serious includes the location, severity of the bodily harm, and age of the child. Substantial physical injury does not include minor bruising, the risk of minor bruising, or similar forms of minor bodily harm that will resolve healthily without professional medical attention.

(69) Supplements--Includes vitamins, herbs, and any supplement labeled dietary supplement.

(70) Supine restraint--Placing a child in a chest up restraint hold.

(71) Swimming activities--Activities related to the use of swimming pools, wading/splashing pools, hot tubs, or other bodies of water.

(72) Toddler--A child from 18 months through 35 months.

(73) Trafficking victim--A child who has been recruited, harbored, transported, provided or obtained for the purpose of forced labor or commercial sexual activity, including any child subjected to an act or practice as specified in Texas Penal Code §20A.02 or §20A.03.

(74) Trauma informed care (TIC)--Care for children that is child-centered and considers the unique culture, experiences, and beliefs of the child. TIC takes into consideration:

(A) The impact that traumatic experiences have on the lives of children;

(B) The symptoms of childhood trauma;

(C) An understanding of a child's personal trauma history;

(D) The recognition of a child's trauma triggers; and

(E) Methods of responding that improve a child's ability to trust, to feel safe, and to adapt to changes in the child's environment.

(75) Treatment director--The person responsible for the overall treatment program providing treatment services. A treatment director may have other responsibilities and may designate treatment director responsibilities to other qualified persons.

(76) Universal precautions--An approach to infection control where all human blood and certain human bodily fluids are treated as if known to be infectious for the human immunodeficiency virus (HIV), the hepatitis B virus (HBV), and other blood-borne pathogens.

(77) Unsupervised childhood activities--Childhood activities that a child in care participates in away from the operation and the caregivers. Childhood activities that an operation sponsors, conducts, or supervises are not unsupervised childhood activities. Unsupervised childhood activities may include playing sports, going on field trips, spending the night with a friend, going to the mall, or dating. Unsupervised childhood activities may last one or more days.

(78) Vaccine-preventable disease--A disease that is included in the most current recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(79) Volunteer--A person who provides:

(A) Child-care services, treatment services, or programmatic services under the auspices of the operation without monetary compensation; or

(B) Any type of services under the auspices of the operation without monetary compensation when the person has unsupervised access to a child in care.

(80) Young adult--An adult whose chronological age is between 18 and 22 years, who is currently in a residential child-care operation, and who continues to need child-care services.

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SUBCHAPTER C. ORGANIZATION AND ADMINISTRATION  
DIVISION 1. PLANS AND POLICIES REQUIRED FOR THE APPLICATION PROCESS

26 TAC §748.105

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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SUBCHAPTER D. REPORTS AND RECORD KEEPING

DIVISION 1. REPORTING SERIOUS INCIDENTS AND OTHER OCCURRENCES

26 TAC §748.303, §748.311

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

§748.303. *When must I report and document a serious incident?*

(a) You must report and document the following types of serious incidents involving a child in your care. The reports must be made to the following entities, and the reporting and documenting must be within the specified time frames:

Figure: 26 TAC §748.303(a)

(b) If there is a medically pertinent incident that does not rise to the level of a serious incident, you do not have to report the incident but you must document the incident in the same manner as for a serious

incident, as described in §748.311 of this division (relating to How must I document a serious incident?).

(c) If the child returns before the required reporting timeframe outlined in subsection (a)(8) - (10) of this section, you are not required to report the absence as a serious incident. Instead, you must document within 24 hours after you become aware of the unauthorized absence in the same manner as for a serious incident, as described in §748.311 of this division.

(d) If there is a serious incident involving an adult resident, you do not have to report the incident to Licensing, but you must document the incident in the same manner as a serious incident. You do have to report the incident to:

(1) Law enforcement, if there is a fatality;

(2) The parent, if the adult resident is not capable of making decisions about the resident's own care; and

(3) Adult Protective Services through the Texas Abuse and Neglect Hotline if there is reason to believe the adult resident has been abused, neglected or exploited.

(e) You must report and document the following types of serious incidents involving your operation, an employee, a professional level service provider, contract staff, or a volunteer to the following entities within the specified time frames:

Figure: 26 TAC §748.303(e)

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SUBCHAPTER E. PERSONNEL

DIVISION 1. GENERAL REQUIREMENTS

26 TAC §748.511

STATUTORY AUTHORITY

The new section is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 2. CHILD-CARE ADMINISTRATOR 26 TAC §748.535

### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 7. CONTRACT STAFF AND VOLUNTEERS

### 26 TAC §§748.721, 748.725, 748.729

### STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## SUBCHAPTER F. TRAINING AND PROFESSIONAL DEVELOPMENT DIVISION 1. DEFINITIONS

### 26 TAC §748.801

### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 2. OVERVIEW OF TRAINING AND EXPERIENCE REQUIREMENTS

### 26 TAC §748.811, §748.813

### STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 2. ORIENTATION

### 26 TAC §748.833

#### STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 3. ORIENTATION

### 26 TAC §748.831, §748.833

#### STATUTORY AUTHORITY

The amendment and new section are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 3. PRE-SERVICE EXPERIENCE AND TRAINING

### 26 TAC §748.863, §748.868

#### STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 4. PRE-SERVICE EXPERIENCE AND TRAINING

### 26 TAC §§748.863, 748.864, 748.867, 748.869

#### STATUTORY AUTHORITY

The new section and amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

§748.869. *How must pre-service training be conducted?*

(a) Instructor-led training and self-instructional training must include:

- (1) Specifically stated learning objectives;



(2) An evaluation or assessment tool to determine whether the person has obtained the information necessary to meet the stated objectives; and

(3) A certificate, letter, or a signed and dated statement of successful completion from the training source.

(b) Pre-service training must be provided by an instructor who:

(1) Holds a generally recognized credential; or

(2) Possesses documented knowledge or experience relevant to the training the instructor will provide.

(c) Training on administering psychotropic medication must be instructor-led, as defined §748.801(3) of this subchapter (relating to What do certain words and terms mean in this subchapter?). The instructor must be a health-care professional or pharmacist.

(d) Training on emergency behavior intervention must:

(1) Be instructor-led with each instructor certified in a recognized method of emergency behavior intervention or otherwise able to document knowledge of:

(A) Emergency behavior intervention;

(B) The course material;

(C) Methods for delivering the training, including physical techniques for restraints, if applicable; and

(D) Methods for evaluating and assessing a participant's knowledge and competency of the training material and physical techniques, if applicable;

(2) Be competency-based; and

(3) At the end of the training, require each participant to demonstrate knowledge and competency of the training material:

(A) In writing; and

(B) If the general residential operation allows the use of emergency behavior intervention, by demonstrating each physical technique the participant is allowed to use.

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## DIVISION 5. CURRICULUM COMPONENTS FOR PRE-SERVICE TRAINING

**26 TAC §§748.881 - 748.883, 748.885, 748.887, 748.889**

STATUTORY AUTHORITY

The new sections and amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and

provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

*§748.885. What curriculum components must be included in the pre-service training for administering psychotropic medication?*

The pre-service training for administering psychotropic medication must include the following curriculum components:

(1) Identification of psychotropic medications;

(2) Basic pharmacology (the actions and side effects of, and possible adverse reactions to, various psychotropic medications);

(3) Techniques and methods of administering medications;

(4) Who is legally authorized to provide consent for the psychotropic medication; and

(5) Any related policies and procedures, including how to document when a medication is administered.

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## DIVISION 5. PRE-SERVICE TRAINING REGARDING EMERGENCY BEHAVIOR INTERVENTION

**26 TAC §748.901, §748.903**

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 6. FIRST AID AND CPR CERTIFICATION

### 26 TAC §§748.911, 748.913, 748.915

#### STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 6. ANNUAL TRAINING

### 26 TAC §§748.931, §748.941

#### STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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### 26 TAC §748.945

#### STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 7. ANNUAL TRAINING

### 26 TAC §§748.930, 748.931, 748.935 - 748.937, 748.939, 748.941

#### STATUTORY AUTHORITY

The new sections and amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 7. FIRST-AID AND CPR CERTIFICATION

**26 TAC §§748.981, 748.983, 748.985, 748.987, 748.989**

### STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 8. TOPICS AND CURRICULUM COMPONENTS FOR ANNUAL TRAINING

**26 TAC §§748.943 - 748.945, 748.947**

### STATUTORY AUTHORITY

The new sections and amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## SUBCHAPTER I. ADMISSION, SERVICE PLANNING, AND DISCHARGE

### DIVISION 1. ADMISSION

**26 TAC §748.1211, §748.1217**

### STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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### DIVISION 3. EDUCATIONAL SERVICES

**26 TAC §748.1303**

### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## SUBCHAPTER J. CHILD CARE DIVISION 2. MEDICAL CARE

### 26 TAC §748.1553

#### STATUTORY AUTHORITY

The new section is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

*§748.1553. How must a caregiver respond when a child is injured or ill and requires immediate treatment by a health-care professional?*

For an injury or illness that requires immediate treatment by a health-care professional, the caregiver must immediately have the child treated by a healthcare professional, contact emergency services, or take the child to the nearest emergency room after ensuring the supervision of any other children present. The caregiver must not be required to seek approval to contact emergency services or to take the child to the nearest emergency room.

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## SUBCHAPTER K. OPERATIONS THAT PROVIDE CARE FOR CHILDREN AND ADULTS

### DIVISION 2. GENERAL REQUIREMENTS

#### 26 TAC §748.1937

#### STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code

§531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 2. GENERAL REQUIREMENTS

### 26 TAC §748.1937

#### STATUTORY AUTHORITY

The new section is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

*§748.1937. May an adult in care share a bedroom with a child in care?*

(a) An adult in care may share a bedroom with a child in care if:

- (1) The adult and child are siblings;
- (2) The adult is the child's parent;

(3) Both of them are non-ambulatory and receive treatment services for primary medical needs; or

(4) The child is at least 16 years old, the age difference between them does not exceed 24 months, and the adult meets the requirements of:

(A) §748.1931 of this division (relating to After a child in my care turns 18 years old, may the person remain in my care?); or

(B) §748.1933 of this division (relating to May I admit a young adult into care?).

(b) The following must occur before you may allow an adult in care and a child in care to share a bedroom, unless the adult is the child's parent:

(1) The service planning team must determine that there is no known risk of harm to the child after assessing:

- (A) Their behaviors;
- (B) Their compatibility with each other;

- (C) Their respective relationships;
- (D) Any history of possible sexual trauma or sexually inappropriate behavior; and
- (E) Any other identifiable factor that may affect the appropriateness of the adult and child sharing a bedroom; and

(2) The service planning team must date and document the assessment and approval in the child's service plan.

(c) The adult and the child must not sleep in the same bed unless the adult is the child's parent, and the child is between the ages of one year and 10 years old.

(d) Subsections (a) and (b) of this section do not apply to travel and camping situations.

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## SUBCHAPTER L. MEDICATION

### DIVISION 1. ADMINISTRATION OF MEDICATION

#### 26 TAC §748.2009

##### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

*§748.2009. What are the requirements for administering non-prescription medication and supplements?*

(a) For non-prescription medications and supplements, you must:

- (1) Follow the label instructions for dosage; and
- (2) Ensure that the non-prescription medication or supplement is not contraindicated with any medication prescribed for the child or medical condition that the child has.

(b) You may give nonprescription medication or supplements to more than one child from one container.

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## SUBCHAPTER M. DISCIPLINE AND PUNISHMENT

#### 26 TAC §748.2307

##### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

*§748.2307. What other methods of punishment are prohibited?*

In addition to corporal punishment, prohibited discipline techniques include:

- (1) Any harsh, cruel, unusual, unnecessary, demeaning, or humiliating discipline or punishment;
- (2) Denial of mail or visits with their families as discipline or punishment;
- (3) Threatening with the loss of placement as discipline or punishment;
- (4) Using sarcastic or cruel humor;
- (5) Maintaining an uncomfortable physical position, such as kneeling, or holding his arms out;
- (6) Pinching, pulling hair, biting, or shaking a child;
- (7) Putting anything in or on a child's mouth;
- (8) Humiliating, shaming, ridiculing, rejecting, or yelling at a child;
- (9) Subjecting a child to abusive or profane language;
- (10) Placing a child in a dark room, bathroom, or closet;
- (11) Requiring a child to remain silent or inactive for inappropriately long periods of time for the child's age;
- (12) Confining a child to a highchair, box, or other similar furniture or equipment as discipline or punishment;
- (13) Denying basic child rights as discipline or punishment;
- (14) Withholding food that meets the child's nutritional requirements; and
- (15) Using or threatening to use emergency behavior intervention as discipline or punishment.

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## SUBCHAPTER N. EMERGENCY BEHAVIOR INTERVENTION

### DIVISION 3. ORDERS

#### 26 TAC §748.2507

##### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

*§748.2507. Under what conditions are PRN orders permitted for a specific child?*

(a) PRN orders for certain emergency behavior interventions are permitted under the following conditions:

Figure: 26 TAC §748.2507(a)

(b) If you obtain a PRN order, you must provide the parent with a copy of the PRN order within 72 hours.

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## DIVISION 4. RESPONSIBILITIES DURING ADMINISTRATION OF ANY TYPE OF EMERGENCY BEHAVIOR INTERVENTION

#### 26 TAC §748.2553

##### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

*§748.2553. When must a caregiver release a child from an emergency behavior intervention?*

A child must be released as follows:

Figure: 26 TAC §748.2553

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## DIVISION 6. ADDITIONAL RESPONSIBILITIES DURING ADMINISTRATION OF SECLUSION

#### 26 TAC §748.2651

##### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

*§748.2651. What are the additional responsibilities for implementing seclusion?*

(a) Caregivers must continuously observe the child placed in seclusion. This observation can take place by a caregiver in the environment or room where the child is placed in seclusion, through a window or a one-way mirror. The use of a video camera in lieu of direct observation to continuously observe a child in seclusion is not permitted.

(b) There must be a protected, private, and observable environment or room that safeguards the child's personal dignity and well-being that must:

(1) Have 40 square-feet of floor space and a ceiling height of at least eight feet;

(2) Be free of safety hazards;

(3) Be adequately ventilated during warm weather and adequately heated during cold weather;

(4) Be appropriately lighted; and

(5) Have a mat and bedding, unless the prescribing professional writes orders to the contrary.

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## DIVISION 9. TIME RESTRICTIONS FOR EMERGENCY BEHAVIOR INTERVENTION

### 26 TAC §748.2801

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 10. GENERAL CAREGIVER RESPONSIBILITIES, INCLUDING DOCUMENTATION, AFTER THE ADMINISTRATION OF EMERGENCY BEHAVIOR INTERVENTION

### 26 TAC §748.2857

#### STATUTORY AUTHORITY

The new section is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 12. OVERALL OPERATION EVALUATION

### 26 TAC §748.2953

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## SUBCHAPTER O. SAFETY AND EMERGENCY PRACTICES DIVISION 7. FIRST-AID KITS

### 26 TAC §748.3273

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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DIVISION 8. PRODUCT SAFETY

26 TAC §748.3281, §748.3283

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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SUBCHAPTER P. PHYSICAL SITE

DIVISION 1. GROUNDS AND GENERAL REQUIREMENTS

26 TAC §748.3301

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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DIVISION 2. INTERIOR SPACE

22 TAC §748.3361, §748.3363

STATUTORY AUTHORITY

The amendment and new section are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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26 TAC §748.3363

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health



and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 4. POISONS

### 26 TAC §748.3421

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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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Karen Ray

Chief Counsel

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## DIVISION 5. FOOD PREPARATION, STORAGE, AND EQUIPMENT

### 26 TAC §748.3443

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Gov-

ernment Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 9. SWIMMING POOLS, WADING/SPLASHING POOLS, AND HOT TUBS

### 26 TAC §748.3601, §748.3603

#### STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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

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## SUBCHAPTER Q. RECREATION ACTIVITIES DIVISION 2. SWIMMING ACTIVITIES

### 26 TAC §748.3757

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of

HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 6. WEAPONS, FIREARMS, EXPLOSIVE MATERIALS, AND PROJECTILES

### 26 TAC §748.3931

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## SUBCHAPTER R. TRANSPORTATION DIVISION 1. GENERAL REQUIREMENTS

### 26 TAC §748.4001

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of

HHSC shall adopt rules for the GRO and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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 749. MINIMUM STANDARDS FOR CHILD-PLACING AGENCIES

The Texas Health and Human Services Commission (HHSC) adopts amendments to §§749.43, 749.105, 749.305, 749.503, 749.511, 749.635, 749.675, 749.761, 749.801, 749.868, 749.931, 749.935, 749.1113, 749.1133, 749.1135, 749.1469, 749.1801, 749.1893, 749.1957, 749.2001, 749.2107, 749.2153, 749.2281, 749.2383, 749.2485, 749.2493, 749.2903, 749.2904, 749.2905, 749.2961, 749.2967, 749.3027, 749.3133, 749.3137, 749.3391, 749.3395, 749.3503, 749.4155, and 749.4267; new §§749.1437, 749.2307, 749.3025, 749.3029, and 749.3043; and repeals of §§749.2471, 749.2553, 749.2563, 749.2565, 749.2566, 749.2567, 749.2827, 749.3025, and 749.3029 in Title 26, Texas Administrative Code (TAC), Chapter 749, Minimum Standards for Child-Placing Agencies.

Amendments to §§749.43, 749.503, 749.1469, 749.1957, 749.2107, and 749.2153, and new 749.3025 are adopted with changes to the proposed text as published in the December 24, 2021, issue of the *Texas Register* (46 TexReg 8939). These rules will be republished.

Amendments to §§749.105, 749.305, 749.511, 749.635, 749.675, 749.761, 749.801, 749.868, 749.931, 749.935, 749.1113, 749.1133, 749.1135, 749.1801, 749.1893, 749.2001, 749.2281, 749.2383, 749.2485, 749.2493, 749.2903, 749.2904, 749.2905, 749.2961, 749.2967, 749.3027, 749.3133, 749.3137, 749.3391, 749.3395, 749.3503, 749.4155, and 749.4267; new §§749.1437, 749.2307, 749.3029, and 749.3043; and repeals of §§749.2471, 749.2553, 749.2563, 749.2565, 749.2566, 749.2567, 749.2827, 749.3025, and 749.3029 are adopted without changes to the proposed text, as published in the December 24, 2021, issue of the *Texas Register* (46 TexReg 8939). These rules will not be republished.

#### BACKGROUND AND JUSTIFICATION

The amendments, new sections, and repeals are necessary to implement Texas Human Resources Code (HRC) §42.042(b), which requires HHSC Child Care Regulation (CCR) to conduct a comprehensive review of all minimum standards every six years.

The rule changes are a result of the comprehensive review of all minimum standards located in Chapter 749. In addition, the purpose of some of the rule changes is to implement sections of statute that were amended by House Bill (H.B.) 700, H.B. 1387, and H.B. 1927, 87th Texas Legislature, Regular Session, 2021.

During the review of standards, CCR's goal was to balance the concerns of child advocacy groups, Child-Placing Agencies (CPAs), foster parents, children, and parents to ensure that standards in Chapter 749 promote the health, safety, and welfare of children in care and meet other requirements described in HRC §42.042(e).

In preparation for the review of minimum standards, CCR conducted a web-based survey to solicit feedback from permit holders, licensed administrators, caregivers, advocates, parents, CCR staff, and the general public. The survey was available September 4 - 19, 2019. During the next step in the review, CCR held a series of nine stakeholder forums throughout the state, in February and March 2020. Additional stakeholder forums were held virtually online from July 31 to August 7, 2020. During these forums, CCR presented the survey results and solicited additional input from the public about possible changes to the minimum standards CCR was considering based upon the survey results.

CCR used the input obtained through the survey, stakeholder forums, and a review of all minimum standards conducted by both regional and State Office CCR staff as the basis of the first round of recommendations for changes to minimum standards. The recommendations were presented on January 21, 2021, to a temporary workgroup that comprised 26 invited participants, including providers from CPAs and representatives from CCR, the Texas Department of Family and Protective Services (DFPS) Child Protective Services division, and the DFPS Residential Contracts division. The workgroup reviewed and provided additional comments regarding the recommendations.

CCR used all the feedback received to draft rule changes for informal public comment. CCR received 69 comments during the informal comment period from July 12 to August 6, 2021. CCR carefully considered the comments when drafting rules for formal comment.

In addition to this consideration, the rule changes also include rules that CCR drafted to implement sections of statute amended by H.B. 700, H.B. 1387, and H.B. 1927. H.B. 700 added §264.1214(c) to the Texas Family Code to allow an adult in care to share a bedroom with a child in care who is at least 16 years old and the age difference is not more than 24 months. H.B. 1387 amended HRC §42.042(e-1) to allow foster homes to store their firearms and ammunition in the same locked location without trigger locks. H.B. 1927 amended HRC §42.042(e-2) to allow a foster parent to transport a foster child in the same vehicle as a handgun if the foster parent "is not otherwise prohibited by law from carrying a handgun." This subsection previously focused specifically on whether a foster parent was "licensed to carry" a handgun.

## COMMENTS

The 31-day formal comment period ended January 24, 2022. During this period, HHSC received 68 comments regarding the proposed rules from three commenters: the Texas Alliance of Child and Family Services, Disability Rights Texas, and the Texas Council for Developmental Disabilities. A summary of comments relating to the rules and HHSC CCR's responses follows.

Comment: Regarding the rules process in general, one commenter recommended that CCR have face-to-face meetings with stakeholders to obtain feedback instead of relying on written comments.

Response: HHSC agrees with the commenter that face-to-face meetings with stakeholders are an important part of the rules process. Several stakeholder forums for this rule project were held both in person and virtually in February, March, July, and August of 2020. These forums were open to the general public, and they helped CCR determine what rule changes were needed in its comprehensive review of Chapter 749. Also, a temporary workgroup comprised of stakeholders met in January 2021 to provide additional input. While CCR recognizes the benefit of receiving stakeholder feedback through forums and meetings, CCR also welcomes written comments and recognizes their value in the rules process.

Comment: One commenter indicated that this comprehensive review of Chapter 749 was not truly comprehensive because the current rules process does not allow for meaningful reform. The commenter also recommended other ways to improve the rules process, such as (1) having a third-party reviewer make recommendations about the regulatory scheme in Texas, (2) developing new standards to coincide with program service models for funding rates or to implement new license types, and (3) creating standards that allow for "deemed status" or other recognition of compliance with relevant accreditation standards.

Response: HHSC disagrees with the commenter that the current review is not truly comprehensive. CCR started its comprehensive review of Chapter 749 rules in 2019. The review has included multiple occasions and methods for regulated operations, stakeholders, and the public to ensure any drafted changes to the rules balanced both stakeholder requests for enhancing child health and safety and provider requests for minimizing regulatory burden on operations.

Comment: Regarding the proposed rules in general, one commenter indicated that, while the commenter appreciated HHSC simplified many rules, thereby making the burden of compliance a little lower for operations, there were instances in which the fiscal implications for the provider community were overlooked. The commenter indicated that some of the rule changes would require, among other things, operational policies to be updated, additional training for staff to be developed, and development of methods to monitor and maintain compliance with those rule changes. The commenter indicated that these and similar tasks would constitute an administrative and regulatory burden that would result in a fiscal impact to operations.

Response: HHSC disagrees with the commenter. The rule proposals for this project do not impose any additional costs for operations. Changes to regulations do not always carry a fiscal impact for operations. After the rule changes are adopted, HHSC will inform operations of the adopted rules and when they will be effective. HHSC will also provide operations with a six-month period of technical assistance so that compliance with the rules can be achieved.

Comment: Regarding the rules process in general, one commenter recommended that HHSC obtain input from operations when assigning weights to the rules especially given the weights' importance in determining which operations are placed on heightened monitoring.

Response: HHSC disagrees with the commenter that HHSC should obtain input from operations when assigning weights to

the rules. However, if an operation, stakeholder, or person had any recommendations regarding the weights for proposed rules, those recommendations may be submitted to HHSC while the rules are open for public comment. HHSC recognizes that an operation's noncompliance with high and medium-high weighted rules may impact determinations regarding heightened monitoring; however, weights are assigned based upon the risk of harm to children if an operation violates the rule. HHSC has made changes to the structure of some rules to separate requirements that present a lower risk of harm from those that present a higher risk of harm in anticipation of adjusting the weights accordingly after rules are adopted.

Comment: Regarding §749.43, two commenters indicated the terms and definitions for "medically pertinent incident" and "emergency health situation" should be added to the rule. One commenter also indicated the term "emergency care services" and its definition should be added to the rule.

Response: HHSC disagrees with the commenters' recommendation to revise the rule to include these terms and definitions. Any attempts at defining "emergency health situation" and "emergency care services" may pose problems if the definitions do not include all possible circumstances. Also, the use of "medically pertinent incident" in §749.503(b) suggests it is an incident that does not rise to the level of a serious incident and does not require reporting; therefore, the meaning of "medically pertinent incident" is described in the context of that rule and distinguishes it from what would need to be reported, such as a substantial physical injury or critical illness that a reasonable person would conclude needs treatment by a medical professional or hospitalization.

Comment: Regarding §749.43, two commenters indicated the definition of "chemical restraint" should say it is not to be used as discipline or convenience, and it is not standard treatment or dosage normally used for the child's medical or dental condition.

Response: HHSC disagrees with the commenters' recommendation to revise the rule because the proposed change to the definition already indicates that a "chemical restraint" is prohibited. Furthermore, the rule outlines that a "chemical restraint" is an emergency behavior intervention (EBI), and EBI rules prohibit a provider from using EBI as a punishment or convenience.

Comment: Regarding §749.43, two commenters indicated the definition of "personal restraint" should describe escorting as a response to a child resisting verbally in addition to physically.

Response: HHSC partially agrees with the commenters and revised the rule by deleting the sentence that addresses "escorting" from the definition of "personal restraint." It is not necessary to address escorting or other types of personal restraints in this definition, either in the current language or as requested by the commenters.

Comment: Regarding §749.43, two commenters recommended that the definition of "psycho-social assessment" include a reference to a diagnosis based on the "DM-ID 2" manual so that diagnosis can be noted for a child who is dually diagnosed with a mental health condition and an intellectual or developmental disability.

Response: HHSC disagrees with the commenters that the definition of "psycho-social assessment" needs to be revised at this time to incorporate the commenters' recommendation. HHSC needs more time to evaluate this recommendation and obtain input from providers, stakeholders, and the public before making

substantive changes to the definition of "psycho-social assessment."

Comment: Regarding §749.43, one commenter recommended that the definition for "seclusion" be clarified so that a child does not need to be alone for seclusion to occur.

Response: HHSC disagrees with the commenter that the definition of "seclusion" needs to be revised at this time to incorporate the commenter's recommendation. HHSC needs more time to evaluate this recommendation and obtain input from providers, stakeholders, and the public before making substantive changes to the definition for "seclusion."

Comment: Regarding §749.43, two commenters indicated that objective criteria need to be developed and then included in the definition for "substantial physical injury," so that there is more consistency with other HHS programs in how injuries are assessed and reported.

Response: HHSC disagrees with the commenters that the definition of "substantial physical injury" needs to be revised at this time to incorporate the commenters' recommendation. HHSC needs more time to evaluate this recommendation and obtain input from providers, stakeholders, and the general public before making changes to the definition of "substantial physical injury." Moreover, the current definition is consistent with the definition that the DFPS uses in its investigations of possible child abuse, neglect, or exploitation in child-care investigations. See 40 Texas Administrative Code §707.801(b)(4).

Comment: Regarding §749.43, two commenters recommended that the definition for "trauma informed care" be clarified to emphasize methods of responding to certain situations.

Response: HHSC disagrees with the commenters' recommendation to revise the rule because other rules already exist in Chapter 749 that require operations to integrate trauma-informed care into the care and treatment of each child.

Comment: Regarding §749.105, one commenter recommended that an operation's personnel policies and procedures include prohibited EBI practices.

Response: HHSC disagrees with the commenter's recommendation to revise the rule because existing rules require operational policies to cover prohibited EBI practices. The operational policies are shared with staff, and EBI training also covers what is prohibited.

Comment: Regarding §749.105, two commenters indicated support for the added language regarding (1) not delegating an employee's responsibility to report serious incidents and suspected abuse, neglect or exploitation and (2) not requiring an employee to seek approval to file a report or notify the operation that a report was made. While both commenters supported the rule change, one commenter also recommended that a mandatory timeframe be added to make a report and the other commenter recommended that the same reporting requirements apply to any situation involving the safety of the child, including physical or sexual abuse committed by a child or a suicide attempt by a child.

Response: HHSC appreciates the support for the rule. However, HHSC disagrees with the commenters' recommendations to revise the rule further because (1) the rule references "serious incidents," which include physical or sexual abuse by a child or a suicide attempt as referenced in §749.503; and (2) a mandatory timeframe for reporting is already required by §749.503.

Comment: Regarding §749.503, one commenter recommended revising the requirements to notify parents "immediately after ensuring the safety of the child" in instances when physical abuse is committed by a child against another child, sexual abuse is commented by a child against another child, and a child attempts suicide.

Response: HHSC agrees with the commenter and revised §749.503(a)(4)(B)(ii), (a)(5)(B)(ii), and (a)(12)(B)(ii) to say "Immediately after ensuring the safety of the child" to be consistent with the response already in place for a substantial physical injury in §749.503(a)(2)(B)(ii). HHSC also restored §749.503(a)(4)(C)(i), which was incorrectly omitted from the figure on proposal.

Comment: Regarding §749.503, one commenter expressed concern that providers will be more likely to report every single law enforcement response based on the revised language that says any alleged incident that "could result in criminal charges being filed against the child" needs to be reported.

Response: HHSC disagrees with the commenter's recommendation to revise the rule further because the purpose of the proposed language is to narrow the instances in which reporting would be required. If the proposed rule language were not adopted, the requirement would remain to be that every instance in which "law enforcement responds to an alleged incident at the operation" must be reported.

HHSC is clarifying with the amendments that a report is only necessary when law enforcement responds to an alleged incident at the operation "that could result in criminal charges being filed against the child."

Comment: Regarding §749.503, one commenter recommended reverting back to the language originally used in §749.503(d)(2), that is "the parents," instead of the proposed language since "legally authorized representative" is now captured by the proposed definition of "parent" in §749.43.

Response: HHSC agrees with the commenter and will use "parent" in §749.503(d)(2) since the proposed definition of "parent" now captures "legally authorized representative."

Comment: Regarding §749.503, two commenters expressed their concern that serious incidents involving an adult resident do not need to be reported to CCR. The commenters indicated that adult residents have the same rights to a safe environment and to have serious incidents involving them investigated.

Response: HHSC disagrees with the commenters' recommendation to revise the rule. HHSC's regulatory authority is exclusive to the care of children, and the definition of "child" in HRC §42.002(1) is a person under the age of 18. Although minimum standards do provide criteria for when a young adult may be admitted into the care of a CPA in order to address certain needs that a person will have after turning 18, these standards exist to support the DFPS need to place young adults who were formerly in the conservatorship of the state in child care operations.

Comment: Regarding §749.503, one commenter expressed concern regarding the report of "an allegation" in instances when an employee or caregiver inappropriately used EBI or used a prohibited EBI technique. The comment indicated "an allegation" can be widely interpreted to include any offhand statement, complaint, or concern.

Response: HHSC disagrees with the commenter's recommendation to revise the rule. The purpose of this rule is to require

operations to report allegations of inappropriate emergency behavior interventions to HHSC and to parents so that (1) HHSC can independently evaluate compliance with minimum standards and (2) parents have relevant information about the child.

Comment: Regarding §749.503, one commenter indicated that there is no requirement in the standard to notify parents of any EBI that occurs. The commenter said this requirement is stated in proposed §749.2307, but not in §749.503.

Response: HHSC disagrees with the commenter's recommendation to revise §749.503 because, as the commenter indicated, the proposed requirement to notify parents of any EBI used with a child is proposed in a separate rule where the requirement is more appropriately placed, especially when consideration is given that not every EBI may constitute a serious incident.

Comment: Regarding §749.635, one commenter recommended that the rule require a child-placing agency administrator to comply with a corrective action plan while the operation is on probation.

Response: HHSC agrees with the commenter that a child-placing agency administrator be required to comply with a corrective action plan while the operation is on probation, but declines to revise the rule. An operation must already comply with a corrective action plan while on probation according to §745.8641, and §749.635 outlines that the administrator has the administrative responsibility for the overall operation, which includes ensuring that the operation complies with all applicable laws and rules, including those in Chapter 745, Licensing.

Comment: Regarding §749.761, one commenter indicated support for the rule's clarification that a volunteer must not be required to obtain approval to report suspected abuse, neglect, or exploitation.

Response: HHSC appreciates the support for the rule.

Comment: Regarding §§749.801, 749.868, 749.931, and 749.935, two commenters recommended all training be competency-based and that employees and caregivers be able to demonstrate their mastery of what was taught to them.

Response: HHSC disagrees with the commenters' recommendations to revise the rules to require competency-based training for all trainings. Pre-service and annual training for EBI have been and continue to be competency-based; however, requiring all trainings to be competency-based would likely result in additional costs and administrative and regulatory burdens on providers. While further changes to these rules will not be made at this time, HHSC may consider the commenters' recommendation during future revisions to Chapter 749.

Comment: Regarding §749.1133, one commenter indicated support for the addition of "any history of trauma" to the list of information required in an admission assessment prior to a child's non-emergency admission.

Response: HHSC appreciates the support for the rule.

Comment: Regarding §749.1437, one commenter indicated support for the rule's requirements regarding (1) what a caregiver must do when a child is injured or ill and requires immediate treatment by a health-care professional; and (2) a caregiver not being required to seek approval to contact emergency services or to take the child to the nearest emergency room.

Response: HHSC appreciates the support for the rule.

Comment: Regarding §749.1469, one commenter expressed concern that it is impractical to consult with a health care professional in many instances to ensure that a non-prescription medication or supplement is not contraindicated with the prescribed medication.

Response: HHSC agrees with the commenter and revised the rule so that the language simply requires the operation to ensure the non-prescription medication or supplements are not contraindicated with the medication prescribed or the child's medical conditions. This provides the operation with flexibility while still ensuring a child's safety when taking a non-prescription medication or supplement.

Comment: Regarding §749.1893, one commenter recommended adding language allowing for the inclusion and use of an educational surrogate to attend Admission, Review, and Dismissal (ARD); Individual Education Plan (IEP); Individual Transitional Planning (ITP); and other school meetings.

Response: HHSC disagrees with the commenter's recommendation to revise the rule because the rule does not prevent an educational surrogate from participating in a child's educational plans.

Comment: Regarding §749.1957, one commenter recommended adding language to the rule to prohibit hot peppers or pepper sauce being put in a child's mouth as punishment.

Response: HHSC disagrees with the commenter's recommendation to revise the rule to specifically prohibit hot peppers or pepper sauce being placed in a child's mouth for punishment because these circumstances are covered by the current rule. However, HHSC revised the rule to delete the examples of "soap or tape" to eliminate possible interpretation that the examples in the rule are an exhaustive list. HHSC will add the examples in the current rule and those recommended by the commenter to a "Helpful Information" section under §749.1957 in the online courtship publication of Chapter 749.

Comment: Regarding §749.1957, two commenters recommended that a list of approved devices to be used as mechanical restraints be added to the rule to distinguish those devices from the forbidden ones, such as using a "highchair, box, or other similar furniture or equipment" to confine and punish a child.

Response: HHSC disagrees with the commenters' recommendation to revise the rule because the rule does not address mechanical restraints. The purpose of the rule is to address prohibited methods of punishment, like confining a child to a highchair, box, or other similar furniture or equipment. A "mechanical restraint" is defined in §749.43, and its use is prohibited under Chapter 749, Minimum Standards for Child-Placing Agencies.

Comment: Regarding §749.2107, two commenters indicated that careful reconsideration should be given to using PRN orders for emergency interventions. One of the two commenters indicated that PRN orders for EBI are essentially standing orders that allow a caregiver to evaluate a particular child's need for EBI and then perform the EBI whenever the caregiver sees the need. Both commenters indicated that the rule is not clear and had questions regarding (1) whether a PRN for an EBI is valid at times other than an emergency, (2) if EBI can be used during an emergency situation in the absence of a PRN, and (3) if parental consent is required before the ordering of a PRN or the performing of any EBI according to that order.

Response: HHSC disagrees with the commenters' recommendation to revise the rule with respect to the commenters'

concerns at this time. HHSC needs more time to evaluate this recommendation and obtain input from providers, stakeholders, and the public before making substantive changes to requirements regarding PRN orders for EBIs. To answer the commenters' questions, (1) existing rules indicate that any EBI performed must be in response to an emergency situation, (2) an EBI may be used during an emergency situation in the absence of a PRN order, and (3) parental consent is not required before the ordering of a PRN or the performing of any EBI according to that order.

Comment: Regarding §749.2107, one commenter indicated it is not clear who can order a PRN for personal restraint, how often PRNs are reviewed, and how often PRNs can be renewed.

Response: HHSC agrees with the commenter and revised the rule to clarify that a licensed psychiatrist or psychologist may originate the PRN order for personal restraint. To answer the commenter's other questions, the rule specifies that PRN orders for EBIs must be reviewed at least every 30 days; however, there is no limit specified regarding how often the orders may be renewed.

Comment: Regarding §749.2107, two commenters recommended revising or deleting the requirement that orders must include the number of times a child may be restrained in a seven-day period. One of the two commenters asked if a legitimate emergency situation is to be ignored by not intervening because the limit on the number of restraints in a seven-day period had been reached. The other commenter indicated that if the number of restraints is predictable, it suggests that any restraint used would not be in response to an emergency situation.

Response: HHSC disagrees with the commenters' recommendation to revise the rule to delete the current requirement that a PRN order must outline the number of times a caregiver may use a personal restraint under the PRN order. The rule is not meant to outline a specific number of times a child may be restrained in all emergency situations or to remove the "emergency situation" requirement that must be present for a caregiver to use a personal restraint. As outlined in §749.2107, PRN orders for personal restraints are required only when the restraint is (1) successive; (2) used simultaneously with an emergency medication; or (3) exceeds the maximum time limit under §749.2281. It is critical to child safety that §749.2107 require that a licensed psychiatrist or psychologist outline when and how often a child may be successively restrained, restrained simultaneously while having an emergency medication administered, or restrained longer than 30 minutes.

Comment: Regarding §749.2107, one commenter indicated that a parent should be notified any time an EBI is used, not just when PRN orders are obtained. Also, any notice to the parent should occur within 24 hours, not 72 hours.

Response: HHSC disagrees with the commenter's recommendation to revise the rule because proposed §749.2307 already addresses parental notification when EBI is used. The purpose of the 72-hour timeframe is to provide operations with enough flexibility to comply with the notification requirements. However, existing rules regarding serious incident reporting require quicker timeframes should the EBI used be part of a serious incident.

Comment: Regarding §749.2153, two commenters indicated "disruptive behavior" does not represent an emergency situation; therefore, "disruptive behavior" should be deleted. One of

the two commenters also noted that the figure is confusing as to when to release a child from the EBI because the situations listed in the second column appear to convey either or options for the caregiver that may result in a child not being released when an emergency health situation occurs or when the maximum time allowed for a personal restraint is reached.

Response: HHSC agrees with the commenters and revised the rule to say, "the emergency situation no longer exists" instead of "the disruptive behavior is de-escalated." HHSC will also revise the heading of the figure's second column to say, "The caregiver must release the child if any of the following apply" to further clarify that the child must be released if any one of the circumstances listed exists.

Comment: Regarding §749.2281, two commenters recommended reducing the maximum amount of time for a child to be held in a personal restraint from 30 minutes to 15 minutes. The two commenters also recommended that anything or anyone triggering the child should be removed from the area to de-escalate the situation.

Response: HHSC disagrees with the commenters' recommendation to revise the rule at this time. Regarding the recommendation to reduce the 30-minute time limit for a personal restraint, HHSC needs more time to evaluate this recommendation and obtain input from providers, stakeholders, and the public before making substantive changes to EBI requirements. Regarding the recommendation to remove any triggers for the child, existing EBI training rules already require a caregiver to be trained regarding the psychological impact of EBI and strategies and techniques for less restrictive interventions.

Comment: Regarding §749.2307, two commenters indicated that the notice to the parent should occur within 24 hours, not 72 hours, anytime an EBI is used with a child. Additionally, the two commenters indicated that the parent should have an opportunity to talk with operation to understand what caused the incident, how it was addressed, and what precautions can be taken to prevent a reoccurrence. Conversely, a third commenter indicated that parental notification for each EBI used with a child will add additional paperwork and time spent away from the child when this time could be used to respond to the child's needs.

Response: HHSC disagrees with the commenters' recommendations to revise the rule because the purpose of the 72-hour timeframe is to provide operations with enough flexibility to comply with the notification requirements while still improving the parent's awareness of instances in which EBI was used with his or her child. Moreover, existing rules regarding serious incident reporting require quicker timeframes should the EBI used be part of a serious incident. Lastly, nothing in rule prevents any discussions between the parent and the operation after the parent is notified that an EBI was used with his or her child.

Comment: Regarding §749.2307, one commenter asked that (1) the new rule be weighted medium or lower since the requirements mainly relate to documentation and (2) the fiscal implications relating to an increase in an operation's documentation be considered.

Response: Regarding the weight to be assigned to the rule, HHSC will carefully consider the nature of the rule when assigning its weight. Regarding any possible fiscal implications for the rule, this rule does not impose any additional costs for operations. The list of items to be communicated to the child's parent within 72 hours currently must be documented in the child's file within 24 hours under §749.2305.

Comment: Regarding §749.2307, one commenter indicated that parental notifications should occur for short personal restraints and they should not be exempted from the rule's requirements.

Response: HHSC disagrees with the commenter's recommendation to revise the rule because the nature of a short personal restraint, as described in §749.2059, is a brief intervention used in an urgent situation and is a typical, expected, and frequent occurrence in all settings where children are present. Further, if a short personal restraint is used in conjunction with a serious incident, §749.503 would require notifications to parents in certain situations.

Comment: Regarding §749.2383, one commenter indicated that short personal restraints should be included in the EBI data that must be collected and reported quarterly. In addition, two commenters recommended changing "us" to "HHSC" to clearly identify itself as the recipient of the data.

Response: HHSC disagrees with the commenter's recommendation to revise the rule because the nature of a short personal restraint as described in §748.2459 is a brief intervention used in an urgent situation and is a typical, expected, and frequent occurrence in all settings where children are present. Regarding the recommendation to change "us" to "HHSC," an existing rule already identifies the meaning of "us" in the chapter.

Comment: Regarding §749.3043, which would require a caregiver to review the Consumer Product Safety Commission's recall list to ensure there are no unsafe products at the foster home, one commenter recommended withdrawing this rule. The commenter indicated that compliance and enforcement of the rule would be challenging and there could be fiscal implications related to monitoring what is on the recall list and overseeing compliance. Furthermore, the commenter recommended if the rule is retained, that it be given a medium weight based on the possibility of household products on the recall list that are generally unrelated to child care.

Response: HHSC disagrees with the commenter's recommendation to withdraw the rule because its purpose is to ensure children's safety. In addition, small and large child-care operations have minimum standards requiring the operation check the Consumer Product Safety Commission's recall list, so this requirement is not new to the regulatory environment. This rule proposal does not impose any additional costs. Regarding the weight to be assigned to the rule, HHSC will carefully consider the nature of the rule when assigning its weight.

Comment: Regarding §749.3029, one commenter indicated that children who are non-ambulatory and receiving treatment services for primary medical needs may be totally aware, in which case, they deserve privacy and should have the right to express preference relating to sharing a room with a child of the opposite gender.

Response: HHSC disagrees with the commenter's recommendation to revise the rule. Proposed §748.3363(b) requires the service planning team to assess the children and determine that there is no known risk of harm to the children before allowing children of the opposite gender to share a bedroom. According to existing rules, the service planning team includes the child and the child's parents, who can communicate the child's preference, which can be noted as part of the service planning team's assessment.

Comment: Regarding §749.3137, two commenters recommended that child to adult ratios be applied to wading pool activities.

Response: HHSC disagrees with the commenters' recommendation to revise the rule at this time. HHSC needs more time to evaluate this recommendation and obtain input from providers, stakeholders, and the public before applying child to adult ratios to wading pool activities.

Comment: Regarding §749.3391, one commenter recommended adding "trauma history" to the list of items required as part of the Health, Social, Education, and Genetic History (HSEGH) report needed for an adoptive placement.

Response: HHSC disagrees with the commenter's recommendation to revise the rule to include "trauma history" in the HSEGH report at this time. HHSC needs more time to evaluate this recommendation and obtain input from providers, stakeholders, and the public before making substantive changes to the HSEGH report.

HHSC clarified the language in §749.3025(a)(1) to make it more precise.

## SUBCHAPTER B. DEFINITIONS AND SERVICES

### DIVISION 1. DEFINITIONS

#### 26 TAC §749.43

##### STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

##### §749.43. *What do certain words and terms mean in this chapter?*

The words and terms used in this chapter have the meanings assigned to them under §745.21 of this title (relating to What do the following words and terms mean when used in this chapter?), unless another meaning is assigned in this section or unless the context clearly indicates otherwise. The following words and terms have the following meanings unless the context clearly indicates otherwise:

(1) Accredited college or university--An institution of higher education accredited by one of the following regional accrediting entities:

(A) The Southern Association of Colleges and Schools Commission on Colleges, a subdivision of the Southern Association of Colleges and Schools;

(B) The Middle States Commission on Higher Education, a component of the Middle States Association of Colleges and Schools;

(C) The Commission on Institutions of Higher Education, a subdivision of the New England Association of Schools and Colleges;

(D) The Higher Learning Commission (formerly part of the North Central Association of Colleges and Schools);

(E) The Northwest Commission on Colleges and Universities;

(F) The Accrediting Commission for Senior Colleges and Universities, a subdivision of the Western Association of Schools and Colleges; or

(G) The Accrediting Commission for Community and Junior Colleges, a subdivision of the Western Association of Schools and Colleges.

(2) Adaptive functioning--Refers to how effectively a person copes with common life demands and how well the person meets standards of personal independence expected of someone in his particular age group, socio-cultural background, and community setting.

(3) Adoption record--All information received by the child-placing agency that bears the child's name or pertains to the child, including any information about the birth parents and adoptive parents, is considered to be part of the adoption record.

(4) Adoptive home screening--Also known as a pre-adoptive home screening. A written evaluation, prior to the placement of a child in an adoptive home, of the:

(A) Prospective adoptive parents;

(B) Family of the prospective adoptive parents; and

(C) Environment of the adoptive parents and their family in relation to their ability to meet the needs of a child, and if a child has been identified for adoption, the needs of that particular child.

(5) Adult--A person 18 years old or older.

(6) Adverse action--See corrective or adverse action.

(7) Babysitter--A person who temporarily cares for a child in foster care for no more than 12 consecutive hours. A babysitter is not required to meet the requirements for a caregiver unless the babysitter is a verified foster parent, an agency employee, a contract service provider, or a volunteer.

(8) Babysitting--Care provided by a babysitter.

(9) Caregiver--A caregiver:

(A) Is a person counted in the child/caregiver ratio for foster care services, including employees, foster parents, contract service providers, and volunteers, whose duties include direct care, supervision, guidance, and protection of a child in care. This includes any person who is solely responsible for a child in foster care. For example, a child-placement staff that takes a foster child on an appointment or doctor's visit is considered a caregiver;

(B) Does not include a babysitter, an overnight care provider, or a respite child-care provider unless the person is:

(i) A verified foster parent;

(ii) An agency employee;

(iii) A contract service provider; or

(iv) A volunteer.

(C) Does not include a contract service provider who:

(i) Provides a specific type of service to your agency for a limited number of hours per week or month;

(ii) Works with one particular child; or

(iii) Is a nurse being reimbursed by Medicaid;



(D) Does not include a person left alone momentarily with a child in care while the caregiver leaves the room; and

(E) Does not include an adoptive parent.

(10) Certified fire inspector--Persons certified by the Texas Commission on Fire Protection to conduct fire inspections.

(11) Child/caregiver ratio--The maximum number of children for whom one caregiver can be responsible.

(12) Chemical restraint--A prohibited type of emergency behavior intervention that uses chemicals or pharmaceuticals through topical application, oral administration, injection, or other means to immobilize or sedate a child as a mechanism of control. The use of a medication is not a chemical restraint under this chapter if the medication:

(A) Is prescribed by a treating health-care professional;

(B) Is administered solely for medical or dental reasons; and

(C) Has a secondary effect of immobilizing or sedating a child.

(13) Childhood activities--Activities that are generally accepted as suitable for children of the same chronological age, level of maturity, and developmental level as determined by a reasonable and prudent parent standard as specified in §749.2605 of this chapter (relating to What is the "reasonable and prudent parent standard"?). Examples of childhood activities include extracurricular activities, in-school and out-of-school activities, enrichment activities, cultural activities, and employment opportunities. Childhood activities include unsupervised childhood activities.

(14) Child in care--A child who has been placed by a child-placing agency in a foster or adoptive home, regardless of whether the child is temporarily away from the home. Unless a child has been discharged from the child-placing agency, the child is considered a child in care.

(15) Contract service provider--A person or entity that is contracting with the operation to provide a service, whether paid or unpaid. Also referred to as "contract staff" and "contractor" in this chapter.

(16) Corporation or other type of business entity--May include an association, corporation, nonprofit association, nonprofit corporation, nonprofit association with religious affiliation, nonprofit corporation with religious affiliation, limited liability company, political subdivision, or state agency. For purposes of this chapter, this definition does not include any type of "partnership," which is defined separately.

(17) Corrective or adverse action--Is any action by you that places a restriction or condition on a foster home's verification, including the revocation of the verification. Note: For information regarding a corrective or adverse action which Licensing is taking against you, see Subchapter L of Chapter 745 (relating to Enforcement Actions).

(18) Counseling--A procedure used by professionals from various disciplines in guiding individuals, families, groups, and communities by such activities as delineating alternatives, helping to articulate goals, processing feelings and options, and providing needed information. This definition does not include career counseling.

(19) Days--Calendar days, unless otherwise stated.

(20) De-escalation--Strategies used to defuse a volatile situation, to assist a child to regain behavioral control, and to avoid a physical restraint or other behavioral intervention.

(21) Department--The Texas Department of Family and Protective Services (DFPS).

(22) Discipline--A form of guidance that is constructive or educational in nature and appropriate to the child's age, development, situation, and severity of the behavior.

(23) Emergency Behavior Intervention (EBI)--Interventions used in an emergency situation, including personal restraints, mechanical restraints, emergency medication, and seclusion.

(24) Emergency medication--A type of emergency behavior intervention that uses chemicals or pharmaceuticals through topical application, oral administration, injection, or other means to modify a child's behavior. The use of a medication is not an emergency medication under this chapter if the medication:

(A) Is prescribed by a treating health-care professional;

(B) Is administered solely for a medical or dental reason (e.g. Benadryl for an allergic reaction or medication to control seizures); and

(C) Has a secondary effect of modifying a child's behavior.

(25) Emergency situation--A situation in which attempted preventative de-escalatory or redirection techniques have not effectively reduced the potential for injury, so that intervention is immediately necessary to prevent:

(A) Imminent probable death or substantial physical injury to the child because the child attempts or continually threatens to commit suicide or substantial physical injury; or

(B) Imminent physical harm to another because of the child's overt acts, including attempting to harm others. These situations may include aggressive acts by the child, including serious incidents of shoving or grabbing others over their objections. These situations do not include verbal threats or verbal attacks.

(26) Employee--A person an operation employs full-time or part-time to work for wages, salary, or other compensation. For the purposes of this chapter, employees include all child-placing agency staff and any owner who is present at the operation or a foster home or transports any child in care.

(27) Family members--An individual related to another individual within the third degree of consanguinity or affinity. For the definitions of consanguinity and affinity, see Chapter 745 of this title (relating to Licensing). The degree of the relationship is computed as described in Government Code, §573.023 (relating to Computation of Degree of Consanguinity) and §573.025 (relating to Computation of Degree of Affinity).

(28) Foster care--Care that is provided to a foster child by a foster family home.

(29) Foster family home--A home that is the primary residence of the foster parent(s) and provides care for six or fewer children or young adults, under the regulation of a child-placing agency. Also referred to as a "foster home" in this chapter.

(30) Foster home screening--A written evaluation, prior to the verification of the foster home, of the:

(A) Prospective foster parent(s);

(B) Family of the prospective foster parent(s);

(C) All other part- or full-time household members; and

(D) Environment of the foster parent(s) and their family in relation to their ability to meet the child's needs.

(31) Foster parent--A person verified to provide child-care services in the foster home.

(32) Full-time--At least 30 hours per week.

(33) Governing body--A group of persons or officers of the corporation or other type of business entity having ultimate authority and responsibility for the child-placing agency.

(34) Health-care professional--A licensed physician, licensed advanced practice registered nurse (APRN), physician's assistant, licensed vocational nurse (LVN), licensed registered nurse (RN), or other licensed medical personnel providing health care to the child within the scope of the person's license. This does not include physicians, nurses, or other medical personnel not licensed to practice in the United States or in the country in which the person practices.

(35) High-risk behavior--Behavior of a child that creates an immediate safety risk to the child or others. Examples of high-risk behavior include suicide attempt, self-abuse, physical aggression causing bodily injury, chronic running away, substance abuse, fire setting, and sexual aggression or perpetration.

(36) Human services field--A field of study that contains coursework in the social sciences of psychology and social work including some counseling classes focusing on normal and abnormal human development and interpersonal relationship skills from an accredited college or university. Coursework in guidance counseling does not apply.

(37) Immediate danger to self or others--A situation where a prudent person would conclude that bodily harm would occur if there were no immediate interventions. Immediate danger includes a serious risk of suicide, serious physical injury to self or others, or the probability of bodily harm resulting from a child running away. Immediate danger does not include:

(A) Harm that might occur over time or at a later time;

or

(B) Verbal threats or verbal attacks.

(38) Infant--A child from birth through 17 months.

(39) Master record--The compilation of all required records for a specific person or home, such as a master personnel record, master case record for a child, or a master case record for a foster or adoptive home.

(40) Mechanical restraint--A prohibited type of emergency behavior intervention that uses the application of a device to restrict the free movement of all or part of a child's body in order to control physical activity.

(41) Mental health professional--Refers to:

(A) A psychiatrist licensed by the Texas Medical Board;

(B) A psychologist licensed by the Texas State Board of Examiners of Psychologists;

(C) A master's level social worker or higher licensed by the Texas State Board of Social Work Examiners;

(D) A professional counselor licensed by the Texas State Board of Examiners of Professional Counselors;

(E) A marriage and family therapist licensed by the Texas State Board of Examiners of Marriage and Family Therapists; and

(F) A master's level or higher nurse licensed as an Advanced Practice Registered Nurse by the Texas Board of Nursing and board certified in Psychiatric/Mental Health.

(42) Non-ambulatory--A child that is only able to move from place to place with assistance, such as a walker, crutches, a wheelchair, or prosthetic leg.

(43) Non-mobile--A child that is not able to move from place to place, even with assistance.

(44) Normalcy--See §749.2601 of this chapter (relating to What is "normalcy"?).

(45) Overnight care--Care provided by an overnight care provider.

(46) Overnight care provider--A person who temporarily cares for a child in foster care for more than 12 consecutive hours, but no more than 72 consecutive hours.

(47) Owner--The sole proprietor, partnership, or corporation or other type of business entity who owns a child-placing agency.

(48) Parent--A person or entity that has legal responsibility for or legal custody of a child, including the managing conservator or legal guardian of the child or a legally authorized representative of an entity with that status.

(49) Partnership--A partnership may be a general partnership, (general) limited liability partnership, limited partnership, or limited partnership as limited liability partnership.

(50) Permit holder--The owner of the child-placing agency that is granted the permit.

(51) Person legally authorized to give consent--The person legally authorized to give consent by the Texas Family Code or a person authorized by the court.

(52) Personal restraint--A type of emergency behavior intervention that uses the application of physical force without the use of any device to restrict the free movement of all or part of a child's body in order to control physical activity.

(53) Physical force--Pressure applied to a child's body that reduces or eliminates the child's ability to move freely.

(54) Post-adoption services--Services available through the child-placing agency (direct or on referral) to birth and adoptive parents and the adoptive child after the adoption is consummated. Examples include counseling, maintaining a registry if a central registry is not used, providing pertinent, new medical information to birth or adoptive parents, or providing the adult adoptee a copy of his record upon request.

(55) Post-placement adoptive report--A written evaluation of the assessments and interviews, after the adoptive placement of the child, regarding the:

(A) Child;

(B) Prospective adoptive parent(s);

(C) Family of the prospective adoptive parent(s);

(D) Environment of the prospective adoptive parents and their family; and

(E) Adjustment of all individuals to the placement.

(56) Pre-adoptive home screening--See adoptive home screening.

(57) PRN--A standing order or prescription that applies "pro re nata" or "as needed according to circumstances."

(58) Professional service provider--Refers to:

(A) A child placement management staff or person qualified to assist in child placing activity;

(B) A psychiatrist licensed by the Texas Medical Board;

(C) A psychologist licensed by the Texas State Board of Examiners of Psychologists;

(D) A master's level social worker or higher licensed by the Texas State Board of Social Work Examiners;

(E) A professional counselor licensed by the Texas State Board of Examiners of Professional Counselors;

(F) A marriage and family therapist licensed by the Texas State Board of Examiners of Marriage and Family Therapists;

(G) A master's level or higher nurse licensed as an Advanced Practice Registered Nurse by the Texas Board of Nursing and board certified in Psychiatric/Mental Health; and

(H) Other professional employees in fields such as drug counseling, nursing, special education, vocational counseling, pastoral counseling, and education who may be included in the professional staffing plan for your agency that provides treatment services if the professional's responsibilities are appropriate to the scope of the agency's program description. These professionals must have the minimum qualifications generally recognized in the professional's area of specialization.

(59) Prone restraint--A restraint in which the child is placed in a chest-down hold.

(60) Psychosocial assessment--An evaluation by a mental health professional of a child's mental health that includes a:

(A) Clinical interview of the child;

(B) Diagnosis from the Diagnostic and Statistical Manual of Mental Disorders 5 (DSM-5), or statement that rules out a DSM-5 diagnosis;

(C) Treatment plan for the child, including whether further evaluation of the child is needed (for example: is a psychiatric evaluation needed to determine if the child would benefit from psychotropic medication or hospitalization; or is a psychological evaluation with psychometric testing needed to determine if the child has a learning disability or an intellectual disability); and

(D) Written summary of the assessment.

(61) Re-evaluate--Assessing all factors required for the initial evaluation for the purpose of determining if any substantive changes have occurred. If substantive changes have occurred, these areas must be fully evaluated.

(62) Regularly--On a recurring, scheduled basis. Note: For the definition for "regularly or frequently present at an operation" as it applies to background checks, see §745.601 of this title (relating to What words must I know to understand this subchapter?).

(63) Residential child-care operation--A licensed or certified operation that provides residential child care. Also referred to as a "residential child-care facility."

(64) Sanitize--The use of a product (usually a disinfecting solution) registered by the Environmental Protection Agency (EPA) that substantially reduces germs on inanimate objects to levels considered safe by public health requirements. Many bleach and hydrogen peroxide products are EPA-registered. You must follow the product's labelling instructions for sanitizing (paying particular attention to any instructions regarding contact time and toxicity on surfaces likely to be mouthed by children, such as toys and crib rails). For an EPA-registered sanitizing product or disinfecting solution that does not include labelling instructions for sanitizing (a bleach product, for example), you must conduct these steps in the following order:

(A) Washing with water and soap;

(B) Rinsing with clear water;

(C) Soaking in or spraying on a disinfecting solution for at least two minutes. Rinsing with cool water only those items that a child is likely to place in his mouth; and

(D) Allowing the surface or item to air-dry.

(65) School-age child--A child who is five years old or older and is enrolled in or has completed kindergarten.

(66) Seat belt--A lap belt and any shoulder strap included as original equipment on or added to a motor vehicle.

(67) Seclusion--A type of emergency behavior intervention that involves the involuntary separation of a child from other children and the placement of the child alone in an area from which the child is prevented from leaving. Examples of such an area include where the child is prevented from leaving by a physical barrier, force, or threat of force.

(68) Service plan--A plan that identifies a child's basic and specific needs and how those needs will be met.

(69) Short personal restraint--A personal restraint that does not last longer than one minute before the child is released.

(70) Single source continuum contractor--A child-placing agency that contracts with the Texas Department of Family and Protective Services to provide community-based care as described in Subchapter B-1, Chapter 264, Texas Family Code.

(71) State or local fire authority--A fire official who is authorized to conduct fire safety inspections on behalf of the city, county, or state government, including certified fire inspectors.

(72) Substantial physical injury--Physical injury serious enough that a reasonable person would conclude that the injury needs treatment by a medical professional, including dislocated, fractured, or broken bones; concussions; lacerations requiring stitches; second and third degree burns; and damages to internal organs. Evidence that physical injury is serious may include the location or severity of the bodily harm or the age of the child. Substantial physical injury does not include minor bruising, the risk of minor bruising, or similar forms of minor bodily harm that will resolve healthily without professional medical attention.

(73) Supine restraint--Placing a child in a chest up restraint hold.

(74) Supplement--Includes vitamins, herbs, and any supplement labeled dietary supplement.

(75) Swimming activities--Activities related to the use of swimming pools, wading/splashing pools, hot tubs, or other bodies of water.

(76) Toddler--A child from 18 months through 35 months old.

(77) Trafficking victim--A child who has been recruited, harbored, transported, provided or obtained for the purpose of forced labor or commercial sexual activity, including any child subjected to an act or practice as specified in Penal Code §20A.02 or §20A.03.

(78) Trauma informed care (TIC)--Care for children that is child-centered and considers the unique culture, experiences, and beliefs of the child. TIC takes into consideration:

- (A) The impact that traumatic experiences have on the lives of children;
- (B) The symptoms of childhood trauma;
- (C) An understanding of a child's personal trauma history;
- (D) The recognition of a child's trauma triggers; and
- (E) Methods of responding that improve a child's ability to trust, to feel safe, and to adapt to changes in the child's environment.

(79) Treatment director--The person responsible for the overall treatment program providing treatment services. A treatment director may have other responsibilities and may designate treatment director responsibilities to other qualified persons.

(80) Unsupervised childhood activities--Childhood activities that a child in care participates in away from the foster home and the foster parents. Childhood activities that the foster parents conduct or supervise or the child-placing agency sponsors are not unsupervised childhood activities. Unsupervised childhood activities may include playing sports, going on field trips, spending the night with a friend, going to the mall, or dating. Unsupervised childhood activities may last one or more days.

(81) Volunteer--A person who provides:

(A) Child-care services, treatment services, or programmatic services under the auspices of the agency without monetary compensation; or

(B) Any type of services under the auspices of the agency without monetary compensation when the person has unsupervised access to a child in care.

(82) Young adult--An adult whose chronological age is between 18 and 22 years, who is currently in a residential child-care operation, and who continues to need child-care 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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Karen Ray

Chief Counsel

Health and Human Services Commission

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For further information, please call: (512) 438-3269



## SUBCHAPTER C. ORGANIZATION AND ADMINISTRATION

## DIVISION 1. PLANS AND POLICIES REQUIRED DURING THE APPLICATION PROCESS

### 26 TAC §749.105

#### STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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 7. BRANCH OFFICES

### 26 TAC §749.305

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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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Karen Ray

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SUBCHAPTER D. REPORTS AND RECORD KEEPING

DIVISION 1. REPORTING SERIOUS INCIDENTS AND OTHER OCCURRENCES

26 TAC §749.503, §749.511

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

§749.503. *When must I report and document a serious incident?*

(a) You must report and document the following types of serious incidents involving a child in your care. The reports must be made to the following entities, and the reporting and documenting must be within the specified timeframes:

Figure: 26 TAC §749.503(a)

(b) If there is a medically pertinent incident that does not rise to the level of a serious incident, you do not have to report the incident but you must document the incident in the same manner as for a serious incident, as described in §749.511 of this division (relating to How must I document a serious incident?).

(c) If a child returns before the required reporting timeframe outlined in subsection (a)(8) - (10) of this section, you are not required to report the absence as a serious incident. Instead, you must document within 24 hours after you become aware of the unauthorized absence in the same manner as for a serious incident, as described in §749.511 of this division.

(d) If there is a serious incident involving an adult resident, you do not have to report the incident to Licensing, but you must document the incident in the same manner as a serious incident. You do have to report the incident to:

- (1) Law enforcement, if there is a fatality;
- (2) The parent, if the adult resident is not capable of making decisions about the resident's own care; and
- (3) Adult Protective Services through the Texas Abuse and Neglect Hotline if there is reason to believe the adult resident has been abused, neglected or exploited.

(e) You must report and document the following types of serious incidents involving your agency, one of your foster homes, an employee, professional level service provider, contract staff, or a volunteer to the following entities within the specified timeframe:  
Figure: 26 TAC §749.503(e)

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 E. AGENCY STAFF AND CAREGIVERS

DIVISION 2. CHILD-PLACING AGENCY ADMINISTRATOR

26 TAC §749.635

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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DIVISION 3. CHILD PLACEMENT STAFF AND CHILD PLACEMENT MANAGEMENT STAFF

26 TAC §749.675

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 6. CONTRACT STAFF AND VOLUNTEERS

### 26 TAC §749.761

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## SUBCHAPTER F. TRAINING AND PROFESSIONAL DEVELOPMENT

### DIVISION 1. DEFINITIONS

#### 26 TAC §749.801

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42,

while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 4. PRE-SERVICE EXPERIENCE AND TRAINING

### 26 TAC §749.868

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 7. ANNUAL TRAINING

### 26 TAC §749.931, §749.935

#### STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42,

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**SUBCHAPTER H. FOSTER CARE SERVICES:  
ADMISSION AND PLACEMENT  
DIVISION 1. ADMISSIONS**

**26 TAC §749.1113**

**STATUTORY AUTHORITY**

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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**DIVISION 2. ADMISSION ASSESSMENT**

**26 TAC §749.1133, §749.1135**

**STATUTORY AUTHORITY**

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42,

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**SUBCHAPTER J. FOSTER CARE SERVICES:  
MEDICAL AND DENTAL  
DIVISION 1. MEDICAL AND DENTAL CARE**

**26 TAC §749.1437**

**STATUTORY AUTHORITY**

The new section is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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**DIVISION 2. ADMINISTRATION OF  
MEDICATION**

**26 TAC §749.1469**

**STATUTORY AUTHORITY**

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective

Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

§749.1469. *What are the requirements for administering non-prescription medication and supplements?*

(a) For non-prescription medications and supplements, you must:

(1) Follow the label instructions for dosage; and

(2) Ensure that the non-prescription medication or supplement is not contraindicated with any medication prescribed for the child or medical condition that the child has.

(b) You may give non-prescription medication or supplements to more than one child from one container.

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## SUBCHAPTER K. FOSTER CARE SERVICES: DAILY CARE, PROBLEM MANAGEMENT DIVISION 1. ADDITIONAL REQUIREMENTS FOR INFANT CARE

### 26 TAC §749.1801

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 4. EDUCATIONAL SERVICES

### 26 TAC §749.1893

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 6. DISCIPLINE AND PUNISHMENT

### 26 TAC §749.1957

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

§749.1957. *What other methods of punishment are prohibited?*

In addition to corporal punishment, prohibited discipline techniques include, but are not limited to:

(1) Any harsh, cruel, unusual, unnecessary, demeaning, or humiliating discipline or punishment;

(2) Denial of mail or visits with their families as discipline or punishment;

(3) Threatening with the loss of placement as discipline or punishment;

(4) Using sarcastic or cruel humor;

(5) Maintaining an uncomfortable physical position, such as kneeling, or holding his arms out;

(6) Pinching, pulling hair, biting, or shaking a child;



- (7) Putting anything in or on a child's mouth;
- (8) Humiliating, shaming, ridiculing, rejecting, or yelling at a child;
- (9) Subjecting a child to abusive or profane language;
- (10) Placing a child in a dark room, bathroom, or closet;
- (11) Requiring a child to remain silent or inactive for inappropriately long periods of time for the child's age;
- (12) Confining a child to a highchair, box, or other similar furniture or equipment as discipline or punishment;
- (13) Denying basic child rights as a form of discipline or punishment;
- (14) Withholding food that meets the child's nutritional requirements; and
- (15) Using or threatening to use emergency behavior intervention as discipline or punishment.

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**SUBCHAPTER L. FOSTER CARE SERVICES:  
 EMERGENCY BEHAVIOR INTERVENTION  
 DIVISION 1. DEFINITIONS**

**26 TAC §749.2001  
 STATUTORY AUTHORITY**

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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**DIVISION 3. ORDERS**

**26 TAC §749.2107  
 STATUTORY AUTHORITY**

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

*§749.2107. Under what conditions are PRN orders permitted for a specific child?*

- (a) PRN orders for certain emergency behavior interventions are permitted under the following conditions:  
 Figure: 26 TAC §749.2107(a)
- (b) If you obtain a PRN order, you must provide the parent with a copy of the PRN order within 72 hours.

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**DIVISION 4. RESPONSIBILITIES DURING  
 ADMINISTRATION OF ANY TYPE OF  
 EMERGENCY BEHAVIOR INTERVENTION**

**26 TAC §749.2153  
 STATUTORY AUTHORITY**

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42,

while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

§749.2153. *When must a caregiver release a child from an emergency behavior intervention?*

A child must be released as follows:

Figure: 26 TAC §749.2153

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## DIVISION 7. TIME RESTRICTIONS FOR EMERGENCY BEHAVIOR INTERVENTION

### 26 TAC §749.2281

#### STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 8. GENERAL CAREGIVER RESPONSIBILITIES, INCLUDING DOCUMENTATION, AFTER THE ADMINISTRATION OF EMERGENCY BEHAVIOR INTERVENTION

### 26 TAC §749.2307

#### STATUTORY AUTHORITY

The new section is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## DIVISION 10. OVERALL OPERATION EVALUATION

### 26 TAC §749.2383

#### STATUTORY AUTHORITY

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## SUBCHAPTER M. FOSTER HOMES: SCREENINGS AND VERIFICATIONS

**DIVISION 3. VERIFICATION OF FOSTER HOME**

**26 TAC §749.2471**

**STATUTORY AUTHORITY**

The repeal is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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**26 TAC §749.2485, §749.2493**

**STATUTORY AUTHORITY**

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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**DIVISION 5. CAPACITY AND CHILD/CARE-GIVER RATIO**

**26 TAC §§749.2553, 749.2563, 749.2565 - 749.2567**

**STATUTORY AUTHORITY**

The repeals are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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**SUBCHAPTER N. FOSTER HOMES: MANAGEMENT AND EVALUATION**

**26 TAC §749.2827**

**STATUTORY AUTHORITY**

The repeal is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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SUBCHAPTER O. FOSTER HOMES:  
HEALTH AND SAFETY REQUIREMENTS,  
ENVIRONMENT, SPACE AND EQUIPMENT  
DIVISION 1. HEALTH AND SAFETY

26 TAC §§749.2903 - 749.2905

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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DIVISION 3. WEAPONS, FIREARMS,  
EXPLOSIVE MATERIALS, AND PROJECTILES

26 TAC §749.2961, §749.2967

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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DIVISION 4. SPACE AND EQUIPMENT

26 TAC §749.3025, §749.3029

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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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Karen Ray

Chief Counsel

Health and Human Services Commission

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For further information, please call: (512) 438-3269



26 TAC §§749.3025, 749.3027, 749.3029, 749.3043

STATUTORY AUTHORITY

The new section and amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

§749.3025. *May an adult in care share a bedroom with a child in care?*

(a) An adult in care may share a bedroom with a child in care if:

(1) The adult and child are siblings;

(2) The adult is the child's parent;

(3) Both of them are non-ambulatory and receive treatment services for primary medical needs; or

(4) The child is at least 16 years old, the age difference between them does not exceed 24 months, and the adult meets the requirements of:

(A) §749.1103 of this chapter (relating to After a child in my care turns 18 years old, may the person remain in my care?); or

(B) §749.1105 of this chapter (relating to May I admit a young adult into care?).

(b) The following must occur before you may allow an adult in care and a child in care to share a bedroom, unless the adult is the child's parent:

(1) The service planning team must determine that there is no known risk of harm to the child after assessing:

(A) Their behaviors;

(B) Their compatibility with each other;

(C) Their respective relationships;

(D) Any history of possible sexual trauma or sexually inappropriate behavior; and

(E) Any other identifiable factor that may affect the appropriateness of the adult and child sharing a bedroom; and

(2) The service planning team must date and document the assessment and approval in the child's service plan.

(c) The adult and the child must not sleep in the same bed unless the adult is the child's parent, and the child is between the ages of one year and 10 years old.

(d) Subsections (a) and (b) of this section do not apply to travel and camping situations.

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 7. SWIMMING POOLS, BODIES OF WATER, SAFETY

### 26 TAC §749.3133, §749.3137

#### STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## SUBCHAPTER Q. ADOPTION SERVICES: CHILDREN

### DIVISION 5. REQUIRED INFORMATION

#### 26 TAC §749.3391, §749.3395

#### STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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## SUBCHAPTER R. ADOPTION SERVICES: BIRTH PARENTS

### DIVISION 1. BIRTH PARENT PREPARATION

#### 26 TAC §749.3503

#### STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to

adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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**SUBCHAPTER V. ADDITIONAL  
REQUIREMENTS FOR CHILD-PLACING  
AGENCIES THAT PROVIDE TRAFFICKING  
VICTIM SERVICES  
DIVISION 4. TRAINING**

**26 TAC §749.4155**

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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**DIVISION 5. ADMISSION AND SERVICE  
PLANNING**

**26 TAC §749.4267**

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §531.0055, which provides that the Executive Commissioner

of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §531.02011, which transferred the regulatory functions of the Texas Department of Family and Protective Services to HHSC. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42, while subsection (b) requires HHSC to conduct a comprehensive review of these rules every six years.

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**TITLE 34. PUBLIC FINANCE**

**PART 1. COMPTROLLER OF PUBLIC  
ACCOUNTS**

**CHAPTER 3. TAX ADMINISTRATION**

**SUBCHAPTER O. STATE AND LOCAL SALES  
AND USE TAXES**

**34 TAC §3.282**

The Comptroller of Public Accounts adopts amendments to §3.282, concerning auditing taxpayer records, without changes to the proposed text as published in the March 4, 2022, issue of the *Texas Register* (47 TexReg 1062). The comptroller amends the section to reflect the changes in Tax Code, §151.054 (Gross Receipts Presumed Subject to Tax) and §151.104 (Sale for Storage, Use, or Consumption Presumed) made by Senate Bill 296, 87th Legislature, 2021, effective June 7, 2021. The rule will not be republished.

The comptroller amends subsection (k) to change the time period during which a seller must provide resale or exemption certificates to the comptroller. Currently, sellers must provide certificates within 60 days after receipt of notice from the comptroller. The subsection is amended to state a seller must provide certificates within 90 days or before a later date agreed to in writing by the comptroller. Non-substantive, conforming changes are made throughout the subsection.

The comptroller amends paragraph (2) by adding clarifying language regarding the timeframe in which written notices are issued. No substantive change is intended.

Language from existing paragraph (2) is segregated into paragraphs (2)-(5) for readability. The comptroller adds a cross-reference to §3.286 (relating to Seller's and Purchaser's Responsibilities) to existing language in new paragraph (5) to be consistent with §3.285 (relating to Resale Certificate; Sales for Resale) and §3.286 of this title. The comptroller renumbers paragraph (3) to new paragraph (6).

No comments were received regarding adoption of the amendment.

The amendments are adopted under Tax Code, §111.002 (Comptroller's Rules, Compliance, Forfeiture), which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2 (State Taxation).

The amendments implement Tax Code, §151.054 (Gross Receipts Presumed Subject to Tax) §151.104 (Sale for Storage, Use, or Consumption Presumed), and §151.0231 (Managed Audits).

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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William Hamner

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For further information, please call: (512) 475-0387



### 34 TAC §3.285

The Comptroller of Public Accounts adopts amendments to §3.285, concerning resale certificates; sales for resale, without changes to the proposed text as published in the March 4, 2022, issue of the *Texas Register* (47 TexReg 1064). The comptroller amends the section to reflect the changes in Tax Code, §151.054 (Gross Receipts Presumed Subject to Tax) and §151.104 (Sale for Storage, Use, or Consumption Presumed) made by Senate Bill 296, 87th Legislature, 2021, effective June 7, 2021. The rule will not be republished.

The comptroller amends subsection (c)(3)(C) to state the seller has 90 days, or a later date agreed to in writing by the comptroller and the seller, from the date written notice is received by the seller from the comptroller in which to deliver the resale certificates to the comptroller, as opposed to the current 60-day period. The comptroller moves existing language to new subparagraphs (C)(i)-(C)(iii) for readability. Non-substantive, conforming changes are made throughout the subsection.

The comptroller amends new subsection (c)(3)(C)(i) by adding clarifying language regarding the timeframe in which written notices are issued. No substantive change is intended.

No comments were received regarding adoption of the amendment.

The amendments are adopted under Tax Code, §111.002 (Comptroller's Rules, Compliance, Forfeiture), which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2 (State Taxation).

This section implements Tax Code, §151.054 (Gross Receipts Presumed Subject to Tax), §151.104 (Sale for Storage, Use, or Consumption Presumed), and §151.0231 (Managed Audits).

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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### 34 TAC §3.287

The Comptroller of Public Accounts adopts amendments to §3.287, concerning exemption certificates, without changes to the proposed text as published in the March 4, 2022, issue of the *Texas Register* (47 TexReg 1068). The comptroller amends the section to reflect the changes in Tax Code, §151.054 (Gross Receipts Presumed Subject to Tax) and §151.104 (Sale for Storage, Use, or Consumption Presumed) made by Senate Bill 296, 87th Legislature, 2021, effective June 7, 2021. The rule will not be republished.

The comptroller amends the title of subsection (d) to be consistent with the wording in §3.285 of this title (relating to Resale Certificate; Sales for Resale).

The comptroller amends subsection (d)(1) to state that a properly completed exemption certificate contains the information required by subsection (f) of this section. This change is consistent with §3.285.

The comptroller amends subsection (d)(4) to state the seller has 90 days, or a later date agreed to in writing by the comptroller and the seller, from the date written notice is received by the seller from the comptroller in which to deliver the exemption certificates to the comptroller as opposed to the current 60-day period. Non-substantive, conforming changes are made throughout the subsection. The comptroller moves existing language to new paragraphs (4)(A)-(C) for readability. The comptroller adds cross references in paragraph (4)(C) to §3.282 and §3.286 to be consistent with §3.285.

The comptroller amends new subsection (d)(4)(A) by adding clarifying language regarding the timeframe in which written notices are issued. No substantive change is intended.

No comments were received regarding adoption of the amendment.

The amendments are adopted under Tax Code, §111.002 (Comptroller's Rules, Compliance, Forfeiture), which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2 (State Taxation).

This section implements Tax Code, §§151.054 (Gross Receipts Presumed Subject to Tax), 151.104 (Sale for Storage, Use, or Consumption Presumed), and 151.0231 (Managed Audits).

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## CHAPTER 9. PROPERTY TAX ADMINISTRATION

### SUBCHAPTER C. APPRAISAL DISTRICT ADMINISTRATION

#### 34 TAC §9.419

The Comptroller of Public Accounts adopts amendments to §9.419, concerning property tax exemption for certain leased motor vehicles, without changes to the proposed text as published in the February 18, 2022, issue of the *Texas Register* (47 TexReg 764). The rule will not be republished.

The amendments implement statutory requirements as amended by House Bill 988, Section 6, 87th Legislature, R.S. (2021).

The amendment to subsection (a)(4) allows the lessee's affidavit to be certified under oath or by a written, unsworn declaration.

In subsection (b)(1)(a) the comptroller adopts by reference an amended version of the Lessee's Affidavit Motor Vehicle Use Other than Production of Income (Form 50-285) to make updates and clarifications related to the lessee's address, statutory language and the legislative change from House Bill 988, Section 6. The amended form may be viewed at [comptroller.texas.gov/taxes/property-tax/forms](http://comptroller.texas.gov/taxes/property-tax/forms).

In subsection (c), the comptroller amends the name of Form 50-285 to its current title.

In subsection (g), the comptroller amends the text to add a missing parenthesis.

The comptroller did not receive any comments regarding adoption of the amendments.

These amendments are adopted under Tax Code, §11.252 (Motor Vehicles Leased for Use Other than Production of Income), which requires the comptroller to, by rule, establish exemption application requirements and appropriate procedures to determine whether a motor vehicle subject to a lease qualifies for an exemption under this section and to adopt a form to be completed by the lessee of a motor vehicle for which the owner of the vehicle may apply for an exemption under this section.

The comptroller further adopts the amendments under Tax Code, §22.24 (Rendition and Report Forms) which authorizes the comptroller to prescribe and approve forms for the rendition and reporting of property.

This rule implements Tax Code, §11.252 (Motor Vehicles Leased for Use Other than Production of Income).

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 37. PUBLIC SAFETY AND CORRECTIONS

### PART 11. TEXAS JUVENILE JUSTICE DEPARTMENT

#### CHAPTER 380. RULES FOR STATE-OPERATED PROGRAMS AND FACILITIES

The Texas Juvenile Justice Department (TJJD) adopts amendments to §§380.8501, 380.8545, 380.8555, 380.8557, 380.8559, 380.8565, and 380.8569, concerning admission, placement, release, and discharge, and to §380.8703, concerning rehabilitation program stage requirements and assessment, without changes to the proposed text as published in the December 10, 2021, issue of the *Texas Register* (46 TexReg 8317). The amended rules will not be republished.

#### SUMMARY OF CHANGES

The amended §380.8501, concerning Definitions: 1) deletes the terms *Community Re-Integration Plan*, *Exit Review*, and *Multi-Disciplinary Team*; 2) removes the requirement for youth with determinate sentences and youth with committing offenses of high severity to participate in a face-to-face interview as part of the process used to determine if the youth meets criteria for transition or release; 3) adds definitions for the terms *Determinate Sentence Review*, *Final Decision Authority*, *Program Completion Review*, and *Transition Review*; and 4) modifies the definitions of the terms *Committing Offense* and *Risk and Protective Factors*.

The amended §380.8545, concerning Movement before Program Completion, removes: 1) the requirement for a youth to have completed a draft community reintegration plan in order to be eligible to transition to a less restrictive placement before the initial or revocation minimum length of stay is completed; 2) the description of certain youth actions and behaviors that would qualify the youth for assignment to the second-highest stage in the agency's rehabilitation program; 3) the designations of which staff members serve as the final decision authority for approving various types of movements described in this rule; 4) the section that refers to the documents TJJD provides to juvenile courts at least 30 days before a youth's release; 5) the section that refers to the notices TJJD provides to various entities at least 10 days before a youth's transition or release, with the exception of the notice provided to any entity that has an active warrant for the youth; 6) a reference to which staff members assign a youth to a particular stage in the rehabilitation program; and 7) a reference to which staff determine that a conditional placement would be in a youth's best interests.

The amended §380.8545 also: 1) clarifies that disciplinary transfers always require a due process hearing; 2) renames the *exit review* as the *transition review*; 3) replaces the term *mental re-*



*tardation with intellectual disability*; and 4) clarifies that major rule violations are *proven* (rather than *confirmed*) at Level II due process hearings.

The amended §380.8555, concerning Program Completion for Non-Sentenced Offenders, removes: 1) the requirement for a youth to have completed a community reintegration plan in order to be eligible for parole; 2) the description of certain youth actions and behaviors that would qualify the youth for assignment to the highest stage in the agency's rehabilitation program; 3) a reference to which staff members assign a youth to a particular stage in the rehabilitation program.

The amended §380.8555 also renames the *exit review* and *release review* as the *program completion review* and removes: 1) the requirement that the program completion review be conducted by the treatment team; 2) the requirement to notify various parties before this review is held and to notify various parties of the result of the review; and 3) the specific number of days before expiration of the minimum length of stay that a youth must be reviewed to determine if program completion requirements have been met.

The amended §380.8555 also: 1) clarifies that the process for reviewing a youth upon completion of the initial minimum length of stay is used also when a youth completes an extension to the minimum length of stay and when a youth completes the minimum length of stay given upon parole revocation; 2) clarifies that a youth's case is referred to the final decision authority if the youth *appears to meet* (rather than *does meet*) program completion criteria; 3) adds that, when a youth's case is referred to the panel, staff will discuss with the youth the reasons for that decision; 4) removes the designation of which staff members serve as the final decision authority for approving release to parole under this rule; and 5) specifies that one reason a youth's case will be referred to the panel is *if the youth loses eligibility for release after the program completion review and before release to parole* (rather than losing eligibility before the minimum length of stay date and requiring that the treatment team confirm the youth no longer meets criteria).

The amended §380.8555 also: 1) removes the section that refers to the documents TJJJD provides to juvenile courts at least 30 days before a youth's release; 2) removes the section that refers to notices TJJJD provides to various entities at least 10 days before a youth's release, with the exception of the notice provided to any entity that has an active warrant for the youth; and 3) clarifies that major rule violations are *proven* (rather than *confirmed*) at Level II due process hearings.

The amended §380.8557, concerning Release Review Panel, includes: 1) adding a definition for the term *Victim*; and 2) removing the definition of *Progress Review Team*.

The amended §380.8557 also: 1) removes the statement that allowed only factors *other than rule violations* to be considered by the Release Review Panel irrespective of the form of the evidence; 2) adds that the panel may review any information relevant to the youth's progress and rehabilitation, *irrespective of the form of the information*; 3) adds that documented behaviors that do not result in a rule violation being proven true in a due process hearing may still provide evidence of continuing conduct that the panel may consider in making its decision; 4) removes *any advocate chosen by the youth* from the list of people who may submit information for the panel's consideration and from the list of people from whom a youth may request assistance in communicating with the panel; 5) clarifies that, when notified that

*an attorney or other representative* (rather than "a representative") is assisting the youth with the review, the panel must notify the representative of any scheduled interviews with the youth prior to conducting the interview; 6) specifies that, if the panel approves a request from a parent/guardian, victim, or youth representative to have personal communication with a member of the panel, the panel will schedule the communication, which may be in person, via telephone, or via videoconference (rather than stating the panel will establish the time, place, and manner of communication); and 7) clarifies that the deadline for releasing or discharging a youth may be extended when a request for reconsideration of the release or discharge order has been filed.

The amended §380.8557 also: 1) removes information regarding the facility-level review that is held before referring a youth to the Release Review Panel, which is addressed, in part, in §380.8555; 2) removes the designations of which staff members are responsible for notifying certain parties that a youth's case has been referred to the panel and for providing the panel with information about the youth; 3) removes a reference to the requirement for staff to discuss with the youth the reasons the youth's case was referred to the panel; 4) adds that the panel's determination may include an assessment of whether there are any public safety issues related to releasing or discharging the youth; 5) adds that the youth, parent/guardian, victim, and any attorney or representative of the youth are notified of the panel's determination regarding extension of stay, release, or discharge; and 6) clarifies that, if the panel extends the length of a youth's stay, any *attorney or representative of the youth* (rather than a *designated advocate*) is among those who will receive a written report explaining the reason for the extension.

The amended §380.8557 also: 1) removes the requirement to notify the victim when a youth is referred to the Release Review Panel upon completion of an extension length of stay; 2) adds the youth's representative or attorney, if any, to the list of individuals who must be notified when a youth's case is pending review by the panel upon completion of an extension length of stay. Removed references to which staff members are responsible for sending these notices, and removed the deadline for sending them; 3) removes information regarding the facility-level review that is held before referring a youth to the panel upon completion of an extension length of stay. Information is being added to §380.8555 to address this item; 4) adds a statement requiring staff, before the expiration of a youth's extension length of stay, to make available to the panel any information relevant to the decision on whether the youth needs additional rehabilitation in a residential placement; and 5) adds that the panel will *send* (rather than *mail*) notification to *the youth, the youth's parent/guardian, any victims, and the attorney or representative of the youth* (rather than "all parties") of the panel's decision regarding a youth who has completed an extension of stay.

The amended §380.8557 also: 1) clarifies that one of the individuals who may request a reconsideration of an extension order is *an attorney or other representative for the youth* (rather than *the youth's designated advocate*); 2) adds that the TJJJD ombudsman may request a reconsideration of an extension order; 3) adds that requests for reconsideration *must* (rather than *should*) be received no later than the stated deadline, *and that any requests for reconsideration received after the stated deadline may be considered at the discretion of the Release Review Panel*; 4) removes *advocate* from the list of individuals from whom the youth may request assistance in completing a request for reconsideration; 5) clarifies that, when the panel conducts a reconsideration of an extension order, the panel shall provide *the youth,*

the youth's parent/guardian, the attorney or representative of the youth, and the person who submitted the request for reconsideration (rather than *all parties*) with a written explanation of the panel's decision; and 6) adds that, if the reconsideration results in a decision to release or discharge the youth, any victims shall be notified.

The amended §380.8557 also: 1) adds that, for youth in a high-restriction facility, a release or discharge order is considered conditional until the youth has been physically released from the facility; 2) adds that, for youth in a medium-restriction facility, a release order is considered conditional until the youth's status has been changed from institutional to parole status, and a discharge order is considered conditional until the youth has been physically released from the facility; 3) adds that the executive director, chief inspector general, general counsel, deputy executive director for state services, chief of staff, staff designated by the executive director, and TJJD ombudsman (in addition to the facility administrator and contract-care monitoring staff) may request a reconsideration of a release or discharge order; 4) specifies that a request for reconsideration of a release or discharge order may be made as long as the release or discharge order is still conditional (rather than any time prior to the youth's release or discharge); 5) adds that staff designated by the executive director must request reconsideration of a release or discharge order if, while the release or discharge order is still conditional, the youth is alleged to have committed a major rule violation or new information becomes available that indicates the youth is likely in need of further rehabilitation at a TJJD facility. Such requests are no longer at the discretion of the facility administrator or contract-care monitoring staff; 6) removes a reference to which staff members are responsible providing the youth with a copy of a request for reconsideration of a release or discharge order; 7) adds that the youth shall be provided a copy of the request for reconsideration before the Release Review Panel makes its decision regarding the reconsideration. If the youth is represented by an attorney or other representative, that person shall also be provided with a copy of the request for reconsideration and given an opportunity to provide information to the panel; 8) adds that the panel shall provide the youth, the youth's parent/guardian, the requestor, and facility staff with a written explanation of the panel's decision no later than 15 calendar days after receipt of the request. The reply shall include an indication that the panel has considered the information submitted in the request. If the reconsideration results in a change in the original panel decision, any victims shall be notified; and 9) adds that, if reconsideration of a release or discharge order results in a decision to extend the youth's length of stay, a request for reconsideration of the new extension order may be filed according to procedures previously mentioned in this rule. That reconsideration decision exhausts all administrative remedies.

The amended §380.8559, concerning Program Completion for Youth with Determinate Sentences, removes: 1) the requirement for a youth to have completed a community reintegration plan in order to be eligible for parole; 2) the description of certain youth actions and behaviors that would qualify the youth for assignment to the highest stage in the agency's rehabilitation program; and 3) a reference to which staff members assign a youth to a particular stage in the rehabilitation program.

The amended §380.8559 also: 1) renames the *exit review* and *exit interview* as the *program completion review*; 2) removes the requirement to notify the victim and any designated advocate for the youth before TJJD holds a program completion review; 3) removes the specific number of days in advance TJJD must

notify certain individuals of a pending review; 4) removes the specific number of days after a youth meets program completion criteria that TJJD must hold the review; and 5) adds that the notice provided to the youth and parent/guardian of a pending program completion review includes, among other items, the date by which a request to present in-person information must be submitted.

The amended §380.8559 also: 1) removes the provision stating that any information received from a youth's family members, victims, local officials, staff, or the general public is considered by TJJD and included in the release/transfer packet; 2) removes the designation of which staff member serves as the final decision authority for approving release or transfer to parole under this rule; and 3) adds that, for youth who will be released to TJJD parole, the youth must be released within 60 days after the youth is approved for release (rather than 60 days after the youth met program completion criteria).

The amended §380.8559 also: 1) clarifies that one reason a youth would lose eligibility for release or transfer is if the youth is no longer assigned to the highest stage in the rehabilitation program (rather than no longer meeting the required rehabilitation program criteria); 2) removes the reference to which staff members would determine that a youth no longer meets required rehabilitation criteria; and 3) removes the requirement for a subsequent exit review/interview to confirm that a youth is again eligible for release or transfer after eligibility was lost.

The amended §380.8559 also: 1) clarifies that the provision allowing the executive director to waive the requirement for a youth to complete the entire minimum period of confinement in a high-restriction facility does not allow a youth to be placed on parole status; 2) adds that TJJD reviews a youth's progress when the youth is past the minimum period of confinement and appears to meet program completion criteria; 3) removes the provision stating that the scheduled progress reviews are for the purpose of determining each youth's eligibility for release or transfer; 4) removes the section that refers to the documents TJJD provides to juvenile courts at least 30 days before a youth's release; 5) removes the section that refers to the notices TJJD provides to various entities at least 10 days before a youth's release, with the exception of the notice provided to any entity that has an active warrant for the youth; and 6) clarifies that major rule violations are proven (rather than confirmed) at Level II due process hearings.

The amended §380.8565, concerning Discharge of Youth with Determinate Sentences upon Transfer to TDCJ or Expiration of Sentence: 1) renames the *exit review* as the *determinate sentence review*; 2) adds that a determinate sentence review is held before a recommendation is made to transfer a youth to prison or to adult parole; 3) removes the requirement to notify the victim and any designated advocate for the youth before TJJD holds a determinate sentence review; and 4) removes the specific number of days in advance TJJD must notify certain individuals of a pending review.

The amended §380.8565 also: 1) removes the provision stating that any information received from a youth's family members, victims, local officials, staff, or the general public is considered by TJJD and included in the release packet; 2) adds that approval from the final TJJD decision authority is required before staff requests a hearing with the committing juvenile court or initiating a transfer to the adult parole system (rather than stating that the executive director or designee approves the staff request for a hearing when a determination has been made that

the youth meets criteria for requesting a hearing for transfer to the adult prison system or that the youth cannot complete the minimum period of confinement before age 19); 3) specifies that TJJD requests a hearing with the committing juvenile court when a youth cannot complete the minimum period of confinement before age 19; and 4) clarifies that the TJJD final decision authority ensures the youth's community reentry/transition plan adequately addresses risk factors before approving transfer to the adult parole system (rather than stating that TJJD does not transfer youth to adult parole until the executive director or designee determines the plan adequately addresses risk factors).

The amended §380.8565 also: 1) adds that the other relevant factors that may be considered by TJJD when forming a recommendation for the committing court include the youth's participation in statutorily required programming, including the reading improvement program, the positive behavior support system, and gang intervention education; 2) clarifies that the provision allowing the executive director to waive the requirement for a youth to complete the entire minimum period of confinement in a high-restriction facility does not allow a youth to be placed on parole status; 3) removes the sections that refer to the notices TJJD provides to various entities at least 10 days before a youth's transfer or release, with the exception of the notice provided to any entity that has an active warrant for the youth; and 4) clarifies that major rule violations are *proven* (rather than *confirmed*) at Level II due process hearings.

The amended §380.8569, concerning Transfer of Youth with Determinate Sentences Adjudicated for Capital Murder: 1) removes the requirement for TJJD to review youth adjudicated for capital murder to determine if the youth have completed the TJJD program; and 2) adds that the factors listed in the rule are used by TJJD when forming a recommendation to the committing court *before a youth turns 19* (rather than being used when youth do not meet program completion criteria).

The amended §380.8569 also: 1) removes the terms *exit review* and *exit interview* and instead used the term *determinate sentence review*; 2) adds that a determinate sentence review is held before a recommendation is made to transfer a youth to prison or to adult parole; 3) removes the requirement to notify the victim and any designated advocate for the youth before TJJD holds a determinate sentence review; and 4) removes the specific number of days in advance TJJD must notify certain individuals of a pending review.

The amended §380.8569 also: 1) removes the provision stating that any information received from a youth's family members, victims, local officials, staff, or the general public is considered by TJJD and included in the transfer packet; 2) adds that approval from the final TJJD decision authority is required before staff request a hearing with the committing juvenile court; 3) removes a provision that requires the executive director or designee to do the following at least five months before a youth reaches age 19: (a) determine whether the youth meets criteria for transfer to prison or to adult parole and to approve a staff request for a hearing; and (b) approve staff's request for a juvenile court hearing to request transfer to prison or to adult parole; 4) adds that a youth may not be transferred to prison unless the committing court orders the transfer (rather than stating that the court is the final decision authority for transferring a youth to adult parole or prison); and 5) adds that the final TJJD decision authority ensures the youth's community reentry/transition plan adequately addresses risk factors before approving the transfer from a high-restriction TJJD facility to adult parole.

The amended §380.8569 also: 1) adds that the other relevant factors that may be considered by TJJD when forming a recommendation for the committing court include the youth's participation in statutorily required programming, including the reading improvement program, the positive behavior support system, and gang intervention education; 2) removes the requirement for TJJD to review each youth's progress when the minimum period of confinement is complete, as youth adjudicated for capital murder cannot complete the minimum period of confinement while at TJJD; and 3) clarifies that major rule violations are *proven* (rather than *confirmed*) at Level II due process hearings.

The amended §380.8703, concerning Rehabilitation Program Stage Requirements and Assessment: 1) clarifies that this rule does not apply to youth on parole status; 2) removes all requirements for a youth to develop and complete a community reintegration plan in order to attain various stages within the rehabilitation program; 3) clarifies that the youth's participation in *development* of the case plan or case plan objectives is not a part of stage promotion criteria, but *completing* the case plan objectives is a part of those criteria; 4) removes references to which staff members conduct stage assessments and determine whether individual requirements for completing a stage have been met; 5) removes a description of the duties of the multi-disciplinary team, the case manager, and other staff in conducting stage assessments; 6) removes a requirement to interview the youth to confirm stage progression; 7) removes a reference to which staff member contacts the parent/guardian and parole officer before each stage assessment meeting; 8) clarifies that the parent/guardian and parole officer are *allowed to provide input* into stage assessment meetings (rather than the case manager *ensuring* that they provide input); 9) specifies that the youth and the parent/guardian are notified of the results of the stage assessment, but this notification is not required to take place *after* the meeting; 10) adds that youth who return to a TJJD facility due to parole revocation, recommitment, or disciplinary transfer may be promoted more than one stage at the first stage assessment following the return or recommitment; 11) specifies that, when a youth appeals the results of a stage assessment or the lack of opportunity to complete requirements of a stage, the person assigned to respond must *not be a staff member who was involved in the assessment being grieved* (rather than not being a member of the multi-disciplinary team or a person has been involved in the youth's current assessment); 12) removes the reference to which staff members a youth must work with in targeting specific skills for development on Stage 2; 13) removes the reference to which staff members assign skill lessons to youth on Stage 3; 14) specifies that Stage 4 is considered the second-highest stage for purposes of youth being eligible to transition to a less restrictive placement under §380.8545; 15) specifies that Stage YES-Active is considered the highest stage for purposes of youth meeting program completion requirements under §380.8555 and §380.8559; and 16) specifies that the objectives on Stage YES for "other areas of programming" are the same as those for Stages 1-4.

#### PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

### SUBCHAPTER A. ADMISSION, PLACEMENT, RELEASE, AND DISCHARGE

#### DIVISION 1. DEFINITIONS

##### 37 TAC §380.8501

STATUTORY AUTHORITY

The amended section is adopted under Human Resources Code §242.003, which requires the Board to adopt rules appropriate to properly accomplish TJJJ's functions and to adopt rules for governing TJJJ schools, facilities, and programs.

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

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

Filed with the Office of the Secretary of State on April 5, 2022.

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Christian von Wupperfeld  
General Counsel  
Texas Juvenile Justice Department  
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Proposal publication date: December 10, 2021  
For further information, please call: (512) 490-7278



DIVISION 4. MOVEMENT BEFORE PROGRAM COMPLETION

37 TAC §380.8545

STATUTORY AUTHORITY

The amended section is adopted under Human Resources Code §242.003, which requires the Board to adopt rules appropriate to properly accomplish TJJJ's functions and to adopt rules for governing TJJJ schools, facilities, and programs.

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

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

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DIVISION 5. PROGRAM COMPLETION AND RELEASE

37 TAC §§380.8555, 380.8557, 380.8559, 380.8565, 380.8569

STATUTORY AUTHORITY

The amended sections are adopted under Human Resources Code §242.003, which requires the Board to adopt rules appropriate to properly accomplish TJJJ's functions and to adopt rules for governing TJJJ schools, facilities, and programs.

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

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

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Texas Juvenile Justice Department  
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For further information, please call: (512) 490-7278



SUBCHAPTER B. TREATMENT DIVISION 1. PROGRAM PLANNING

37 TAC §380.8703

STATUTORY AUTHORITY

The amended section is adopted under Human Resources Code §242.003, which requires the Board to adopt rules appropriate to properly accomplish TJJJ's functions and to adopt rules for governing TJJJ schools, facilities, and programs.

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

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

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For further information, please call: (512) 490-7278



CHAPTER 385. AGENCY MANAGEMENT AND OPERATIONS

SUBCHAPTER B. INTERACTION WITH THE PUBLIC

37 TAC §385.8135

The Texas Juvenile Justice Department (TJJJ) adopts amendments to §385.8135, concerning rights of victims, without changes to the proposed text as published in the December 10, 2021, issue of the *Texas Register* (46 TexReg 8338). The amended rule will not be republished.

SUMMARY OF CHANGES

The amended rule adds that: 1) the invitation extended by TJJJ is for the victim to participate in the *release review process* (rather than in TJJJ's Special Services Committee or Release

Review Panel review); 2) if a victim requests permission to provide input in person *or by videoconference or teleconference* and that request is granted, the victim is provided an opportunity to do so, *but this opportunity is no longer tied to participating in the staff meeting where release under supervision is considered*; 3) information provided to TJJD by a victim shall be considered, not just before a youth is released under supervision, released to a community placement, or transferred to prison or adult parole, but more specifically: (a) when evaluating the youth's progress in the rehabilitation program, to include when determining if the youth has successfully completed the rehabilitation program or should be transitioned to a placement of less than high restriction; (b) by the Release Review Panel when determining if the youth should be paroled, discharged, or extended in a facility; and (c) when making decisions about possible transfer to prison or adult parole; and 4) any information obtained from or about a victim may not be shared with youth and may be disclosed only as provided by law (rather than stating that *any victim involvement while the youth is in TJJD custody is confidential*).

The amended rule also adds the following, based on recently enacted statutes: 1) any information that identifies an individual as a victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 43.05, or 43.25, Penal Code, or of any other offense that is part of the same criminal episode as one of those offenses is confidential and may be disclosed only as provided by law; and 2) any information that identifies an individual as a victim of an offense that was committed when the victim was younger than 18 is confidential and may be disclosed only as provided by law.

#### PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

#### STATUTORY AUTHORITY

The amended section is adopted under Human Resources Code §242.003, which requires the Board to adopt rules appropriate to properly accomplish TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

Except as described herein, the adopted action affects no other code, article, or statute.

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

Filed with the Office of the Secretary of State on April 5, 2022.

TRD-202201263

Christian von Wupperfeld

General Counsel

Texas Juvenile Justice Department

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For further information, please call: (512) 490-7278





# 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 Education Agency

### Title 19, Part 2

Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 61, School Districts, Subchapter AA, Commissioner's Rules on School Finance; Subchapter BB, Commissioner's Rules on Reporting Requirements; Subchapter CC, Commissioner's Rules Concerning School Facilities; Subchapter DD, Commissioner's Rules Concerning Missing Child Prevention and Identification Programs; Subchapter EE, Commissioner's Rules on Reporting Child Abuse or Neglect, Including Trafficking of a Child; Subchapter FF, Commissioner's Rules Concerning Veterans and Military Dependents; Subchapter GG, Commissioner's Rules Concerning Counseling Public School Students; Subchapter HH, Commissioner's Rules Concerning Classroom Supply Reimbursement Program; Subchapter JJ, Commissioner's Rules Concerning Automatic College Admission; and Subchapter KK, Commissioner's Rules on County Boards of Education, pursuant to Texas Government Code, §2001.039.

As required by Texas Government Code, §2001.039, TEA will accept comments as to whether the reasons for adopting Chapter 61, Subchapters AA-KK, continue to exist.

The public comment period on the review begins April 22, 2022, and ends May 23, 2022. A form for submitting public comments on the proposed rule review is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/commissioner-rules-tac/commissioner-of-education-rule-review>.

TRD-202201392

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: April 13, 2022



Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 62, Commissioner's Rules Concerning Options for Local Revenue

Levels in Excess of Entitlement, pursuant to Texas Government Code, §2001.039.

As required by Texas Government Code, §2001.039, TEA will accept comments as to whether the reasons for adopting Chapter 62 continue to exist.

The public comment period on the review begins April 22, 2022, and ends May 23, 2022. A form for submitting public comments on the proposed rule review is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/commissioner-rules-tac/commissioner-of-education-rule-review>.

TRD-202201393

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: April 13, 2022



Texas Education Agency (TEA) proposes the review of Chapter 161, Commissioner's Rules Concerning Advisory Committees, pursuant to Texas Government Code, §2001.039.

As required by Texas Government Code, §2001.039, TEA will accept comments as to whether the reasons for adopting Chapter 161 continue to exist.

The public comment period on the review begins April 22, 2022, and ends May 23, 2022. A form for submitting public comments on the proposed rule review is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/commissioner-rules-tac/commissioner-of-education-rule-review>.

TRD-202201394

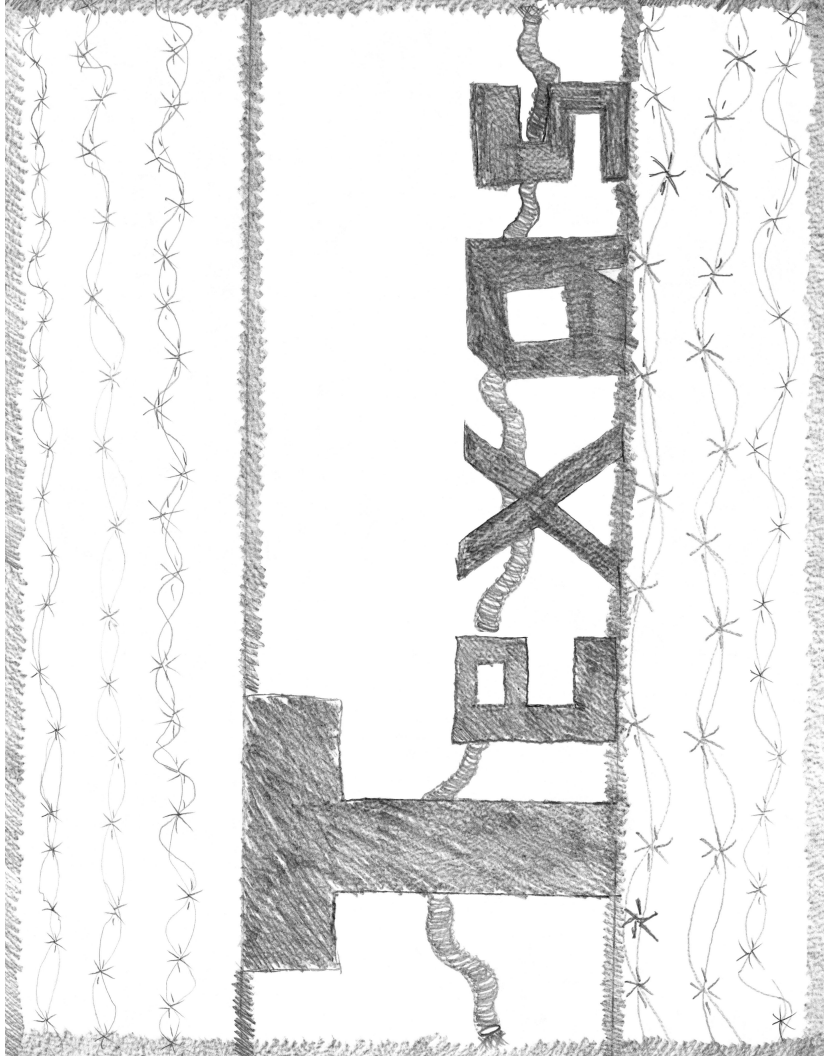
Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: April 13, 2022







# TABLES & GRAPHICS

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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.

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DISCIPLINARY ACTIONS (reported to the National Practitioner Databank)

Level 5: Reprimand (Administrative Penalty: not less than \$250; no more than \$1,000 per day)

\_\_\_\_\_ Failure to inform consumer of all required items, provide a written explanation of treatment and charges (§§781.301(6); 781.303(7); 781.304(a); 781.309(5); and 781.313(b))

\_\_\_\_\_ Failure to discourage others from making exaggerated or false claims (§781.304(i))

\_\_\_\_\_ Failure to protect individual from harm resulting from individual or group setting (§781.304(o))

\_\_\_\_\_ Failure to inform client about testing as part of treatment (§781.307(a))

\_\_\_\_\_ Appropriate, reproduce, or modify published tests or parts thereof without publisher's permission (§781.307(b))

\_\_\_\_\_ Failure to set and maintain proper supervisor-supervisee relationship (§781.404(b)(8)(10)(E) and (L))

\_\_\_\_\_ Failure to ensure supervisee knows of, and complies with, all Council rules (§781.404(b)(8)(10)(K))

\_\_\_\_\_ Failure to develop and implement written supervision remediation plan (§781.404(b)(9)(11)(G))

\_\_\_\_\_ Failure to keep accurate records, keep records for appropriate retention period (§§781.304(f); 781.309(1) and (4))

\_\_\_\_\_ Failure to assess proper fee(s), maintain accurate billing records (§§781.304(g); 781.310(d))

\_\_\_\_\_ Failure to establish a plan for custody of records when professional services cease (§781.309(3))

\_\_\_\_\_ Failure to maintain written release of information in permanent record, review and update (§781.311(e))

\_\_\_\_\_ Failure to maintain and timely submit accurate supervised experience records (§781.404(b)(10)(8)(A))

\_\_\_\_\_ Make misleading, exaggerated, or false claims (§§781.301(2); 781.304(h); 781.306(a) and (b); 781.316(a), (c), and (d))

\_\_\_\_\_ Failure to base all services on an assessment, evaluation or diagnosis of the client; evaluate client's condition without personally interviewing client or disclosing that a personal interview has not been completed (§§781.301(5); 781.303(3))

\_\_\_\_\_ Failure to maintain client confidentiality except when disclosure is prescribed by statute or Council rules (§§781.301(7); 781.309(6); 781.311(b) and (g))

\_\_\_\_\_ Failure to set and maintain professional boundaries and avoid dual relationships (§§781.301(8); 781.304(e), (l), and (q))

\_\_\_\_\_ Failure to evaluate a client's progress on a continuing basis to guide service delivery and make use of supervision and consultation as indicated by client's needs (§781.301(12))

\_\_\_\_\_ Failure to inform other provider when providing concurrent therapy (§781.303(1))

\_\_\_\_\_ Failure to obtain informed consent (or court order) with all related items (§781.303(9))

\_\_\_\_\_ Engage in activities for personal needs or for personal gain; promotion of personal or business activities that are unrelated to the current professional relationship (§781.304(d) and (p))

\_\_\_\_\_ Accept from or give gift to a client with a value in excess of \$25.00 (§781.304(m))

\_\_\_\_\_ Failure to comply with Texas Health and Safety Code concerning access to mental health records; release information only with a written permission signed by client or client guardian (§781.311(c) and (d))

\_\_\_\_\_ Failure to report alleged violation to the Council (except sexual misconduct) (§781.312(b))

\_\_\_\_\_ Failure to assume responsibility for human subject's emotional, physical, and social welfare when conducting research (§781.317(a))

\_\_\_\_\_ Failure to provide written information to parties in child custody or adoption evaluations (§781.322(h)(1) and (2))

\_\_\_\_\_ Charge or collect a fee or anything of value from employee or contract employee for supervision (§781.404(b)(8)~~[(10)]~~(C))

\_\_\_\_\_ Provide supervision to an individual who is related within the second degree of affinity or consanguinity (§781.404(b)(8)~~[(10)]~~(F))

\_\_\_\_\_ Failure to develop and update supervision plan (§781.404(b)(8)~~[(10)]~~(P))

\_\_\_\_\_ Failure to terminate non-beneficial counseling relationship; transfer client to appropriate care (§§781.301(13); 781.303(2))

Level 4: Probated Suspension (Admin Penalty: not less than \$250; no more than \$2,000 per day)

\_\_\_\_\_ Refusing to serve a client based solely on basis of prohibited discrimination (§781.301(1))

\_\_\_\_\_ Failure to practice within scope of competency and accepted professional standards as appropriate to client's needs (§§781.301(3), 781.302(d), (e), and (g)-(i); 781.303(4); 781.321(ff); 781.322(i))

\_\_\_\_\_ Exploiting a position of trust with client or former client (§781.301(11))

\_\_\_\_\_ Failure to assume responsibility for clients during bartering of services (§781.303(8))

\_\_\_\_\_ Entering into a business relationship with a client (§781.304(c))

\_\_\_\_\_ Failure to provide services in the context of a professional relationship (§781.304(j))

\_\_\_\_\_ Borrowing or lending money or items of value to clients or relatives of clients (§781.304(n))

\_\_\_\_\_ Failure to report alleged sexual misconduct to the Council (§781.305(g)(1)-(4))

\_\_\_\_\_ Failure to administer or interpret test only with training and experience (§781.307(c))

\_\_\_\_\_ Failure to retain and dispose of client records in ways that maintain confidentiality (§781.309(2))

\_\_\_\_\_ Knowingly or flagrantly overcharging; bill for improper, unreasonable or unnecessary services (§781.310(c) and (e))

\_\_\_\_\_ Failure to report information concerning abuse or neglect of minors, elderly, or disabled; report exploitation by a mental health services provider (§781.311(f)(1-4))

\_\_\_\_\_ Failure to ensure subject's identity and confidentiality when obtaining data from a professional relationship for purposes of research (§781.317(b))

\_\_\_\_\_ Providing therapy or any other type of service, including but not limited to a child custody evaluation or parenting facilitation, in the same case (§§781.320(e); 781.321(d); 781.322(f))

\_\_\_\_\_ Failure to supervise only supervisees within scope of competency (§781.404(b)(1))

\_\_\_\_\_ Failure to clearly indicating services, licensure category, and that supervisee is under supervision on billing documentation (§781.404(b)(~~8~~)(~~10~~)(H))

\_\_\_\_\_ Failure to address issues outlined in Council ordered supervision (§781.404(b)(~~10~~)(~~12~~)(B))

Level 3: Suspension (less than a year, Admin Penalty: not less than \$250; no more than \$3,000 per day)

\_\_\_\_\_ Practice while impaired by alcohol or drugs or use any illegal drug; promote, encourage, or concur in the illegal use or possession of alcohol or drugs (§§781.301(10) and 781.308)

\_\_\_\_\_ Offer to pay or agree to accept any remuneration for securing or soliciting clients or patronage (§§781.304(b); 781.310(a) and (b))

\_\_\_\_\_ Provide expert opinion or recommendation without conducting appropriate child custody evaluation (§781.322(g))

\_\_\_\_\_ Failure to maintain qualifications of supervisory status while providing supervision (§781.404(b)(7)~~(9)~~)

\_\_\_\_\_ Provide supervision without having met all requirements for current, valid Council-approved supervisor status (§781.404(b)(8)~~(10)~~(J))

\_\_\_\_\_ Failure to inform all supervisees of termination of supervisor status and help them to find alternate supervision (§781.404(b)(8)~~(10)~~(M))

Level 2: Suspension (one year or more, Admin Penalty: not less than \$250; no more than \$4,000 per day)

Level 1: Revocation (Admin Penalty: not less than \$250; no more than \$5,000 per day)

\_\_\_\_\_ Engage in sexual misconduct; therapeutic deception (§§781.301(9); 781.305(b) and (c))

\_\_\_\_\_ Aid or abet unlicensed practice (§781.303(5))

\_\_\_\_\_ Participate in falsifying documents submitted to the Council (§781.303(6))

\_\_\_\_\_ Continue to supervise or fail to refund all supervisory fees paid after termination or expiration of supervisor status (§781.404(b)(8)~~(10)~~(N) and (O))

Figure: 22 TAC §801.305

<b>Rule</b>	<b>Action</b>
801.43(b) Report alleged violations or misrepresentation	Level 5 Reprimand
801.43(c) Identify license, status, or other restriction	Level 5 Reprimand
801.43(d) Make false statement	Level 5 Reprimand
801.43(g) Make reasonable effort to prevent other's false statement	Level 5 Reprimand
801.44(a) Provide services only in the context of a professional relationship	Level 5 Reprimand
801.44(b) Fail to provide written information	Level 5 Reprimand
801.44(c) Fail to obtain appropriate consent or custody order	Level 5 Reprimand
801.44(d) Fail to provide written information regarding confidentiality	Level 5 Reprimand
801.44(e) Refer for pay	Level 3 Suspension
801.44(f) Exploit trust	Level 4 Probated Suspension
801.44(g) Act to meet personal needs	Level 4 Probated Suspension
801.44(h) Provide services to family, friends, educational or business associates, or others	Level 5 Reprimand
801.44(i) Maintain professional boundaries with clients and former clients	Level 5 Reprimand
801.44(k) Protect individual from harm resulting from group interaction	Level 5 Reprimand
801.44(l) Avoid non-therapeutic relationship with clients and former clients	Level 5 Reprimand
801.44(m) Bill only for services actually rendered or as agreed in writing	Level 5 Reprimand
801.44(n) End professional relationship when client is not benefitting	Level 4 Probated Suspension
801.44(n) Provide written referral and facilitate transfer to appropriate care	Level 5 Reprimand
801.44(o) Technology-assisted services, provide license number and council's contact information	Level 5 Reprimand

801.44(p) Provided services within competency and professional standards	Level 4 Probated Suspension
801.44(q) Base services on client assessment, evaluation, or diagnosis	Level 4 Probated Suspension
801.44(s) Promote or encourage illegal use of alcohol or drugs	Level 1 Revocation
801.44(t) Provide services to client served by another	Level 5 Reprimand
801.44(u) Aid or abet or fail to report unlicensed practice	Level 2/3 Suspension
801.44(v) Enter a non-professional relationship with a client's family member or any person who has a personal or professional relationship with a client	Level 5 Reprimand
801.44(w) Provide services while impaired	Level 2/3 Suspension
801.45(b) Sexual contact with a protected person	Level 1 Revocation
801.45(c) Provide services to a former sexual partner	Level 1 Revocation
801.45(d) Therapeutic deception or sexual exploitation	Level 1 Revocation
801.46(a) Inform clients about testing as part of treatment	Level 5 Reprimand
801.46(c) Administer and interpret test with appropriate training, experience	Level 4 Probated Suspension
801.47 Use alcohol or drugs, adversely affecting provision of services	Level 2/3 Suspension
801.48(b) Disclose communication, record, or identity of a client	Level 4 Probated Suspension
801.48(c) Comply with statutes or rules, concerning confidential information	Level 4 Probated Suspension
801.48(d) Report or release information as required by statute	Level 4 Probated Suspension
801.48(d)(4) Report sexual misconduct per TCPRC 81.006	Level 5 Reprimand
801.48(e) Keep accurate records	Level 5 Reprimand
801.48(g) Maintain confidentiality in how client records are stored or disposed	Level 4 Probated Suspension
801.48(h) Plan for custody of records	Level 5 Reprimand
801.50 Appropriate use of assumed name	Level 5 Reprimand
801.53(a) Advertise with false information	Level 5 Reprimand
801.53(d) Advertisement must state license title	Level 5 Reprimand
801.53(e) Ad with confusing membership or certification outside field of therapy	Level 5 Reprimand
801.53(f) Advertisement must state provisional license	Level 5 Reprimand

801.53(g) Reasonable steps to correct or minimize misuse of license certificate or misrepresentation of licensee's services	Level 5 Reprimand
801.55(e) Dual relationship: Provide MFT and parenting coordination services	Level 4 Probated Suspension
801.56(d) Dual relationship: Provide MFT and parenting facilitation services	Level 4 Probated Suspension
801.57(d) Dual relationship: Provide any service and custody evaluation	Level 4 Probated Suspension
801.57(e) Offer expert opinion related to child custody	Level 2/3 Suspension
801.57(f) Failure to inform client and proper informed consent	Level 5 Reprimand
801.57(g) Associate must not conduct child custody or adoption evaluations	Level 4 Probated Suspension
801.58(d) Required training for technology-assisted services	Level 5 Reprimand
801.58(h) Failure to inform client and proper informed consent	Level 5 Reprimand
801.58(i) Meet legal requirements of health information privacy and security	Level 4 Probated Suspension
801.143(b) Supervisor may not be employed by supervisee	Level 5 Reprimand
801.143(c) Supervisor may not be related to supervisee	Level 5 Reprimand
801.143(d) Supervisor must timely process and maintain Associate's file	Level 5 Reprimand
801.143(e) Supervisor must submit timely written notice when supervision ends	Level 5 Reprimand
801.143(f)(1) Supervisor must ensure Associate adheres to all laws and rules	Level 5 Reprimand
801.143(f)(2) Supervisor/Associate dual relationship	Level 5 Reprimand
801.143(f)(4) Supervisor must implement Associate's written remediation plan	Level 5 Reprimand
801.143(f)(5) Supervisor must timely submit accurate experience documents	Level 5 Reprimand
801.143(h) <del>(i)</del> Supervisor fails to renew and continues to represent as a supervisor	Level 5 Reprimand
801.143(i) <del>(j)</del> Supervisor with status other than "current, active" or after supervisor status is removed and continues to supervise	Level 4 Probated Suspension
801.143(j) <del>(k)</del> Disciplined supervisor must inform all Associates of council action, refund fees, and assist Associates to find alternate supervision	Level 5 Reprimand
801.143(k) <del>(l)</del> Supervise without being currently approved supervisor	Level 4 Probated Suspension



Figure: 26 TAC §748.303(a)

Serious Incident	(i) To Licensing? (ii) If so, when?	(i) To Parents? (ii) If so, when?	(i) To Law enforcement? (ii) If so, when?
(1) A child dies while in your care.	(A)(i) YES.  (A)(ii) As soon as possible, but no later than 2 hours after the child's death.	(B)(i) YES.  (B)(ii) As soon as possible, but no later than 2 hours after the child's death.	(C)(i) YES.  (C)(ii) Immediately, but no later than 1 hour after the child's death.
(2) A substantial physical injury or critical illness that a reasonable person would conclude needs treatment by a medical professional or hospitalization.	(A)(i) YES.  (A)(ii) Report as soon as possible, but no later than 24 hours after the incident or occurrence.	(B)(i) YES.  (B)(ii) Immediately after ensuring the safety of the child.	(C)(i) NO.  (C)(ii) Not Applicable.
(3) Allegations of abuse, neglect, or exploitation of a child; or any incident where there are indications that a child in care may have been abused, neglected, or exploited.	(A)(i) YES.  (A)(ii) As soon as you become aware of it.	(B)(i) YES.  (B)(ii) Immediately after ensuring the safety of the child.	(C)(i) NO.  (C)(ii) Not applicable.
(4) Physical abuse committed by a child against another child. For the purpose of this subsection, physical abuse occurs when there is substantial physical injury, excluding any accident; or failure to make a reasonable effort to prevent an action by another person that results in	(A)(i) YES.  (A)(ii) As soon as you become aware of it.	(B)(i) YES.  (B)(ii) Immediately after ensuring the safety of the child.	(C)(i) NO.  (C)(ii) Not applicable.

<p>substantial physical injury to a child.</p>			
<p>(5) Sexual abuse committed by a child against another child. For the purpose of this subsection, sexual abuse is: conduct harmful to a child's mental, emotional or physical welfare, including nonconsensual sexual activity between children of any age, and consensual sexual activity between children with more than 24 months difference in age or when there is a significant difference in the developmental level of the children; or failure to make a reasonable effort to prevent sexual conduct harmful to a child.</p>	<p>(A)(i) YES.  (A)(ii) As soon as you become aware of it.</p>	<p>(B)(i) YES.  (B)(ii) Immediately after ensuring the safety of the child.</p>	<p>(C)(i) NO.  (C)(ii) Not applicable.</p>

<p>(6) A child is indicted, charged, or arrested for a crime; or when law enforcement responds to an alleged incident at the operation that could result in criminal charges being filed against the child.</p>	<p>(A)(i) YES.</p> <p>(A)(ii) As soon as possible, but no later than 24 hours after you become aware of it.</p>	<p>(B)(i) YES.</p> <p>(B)(ii) As soon as you become aware of it.</p>	<p>(C)(i) NO.</p> <p>(C)(ii) Not applicable.</p>
<p>(7) A child is issued a ticket at school by law enforcement or any other citation that does not result in the child being detained.</p>	<p>(A)(i) NO.</p> <p>(A)(ii) Not applicable.</p>	<p>(B)(i) YES.</p> <p>(B)(ii) As soon as possible, but no later than 24 hours after you become aware of it.</p>	<p>(C)(i) NO.</p> <p>(C)(ii) Not applicable.</p>
<p>(8) The unauthorized absence of a child who is developmentally or chronologically under 6 years old.</p>	<p>(A)(i) YES.</p> <p>(A)(ii) Within 2 hours of notifying law enforcement.</p>	<p>(B)(i) YES.</p> <p>(B)(ii) Within 2 hours of notifying law enforcement.</p>	<p>(C)(i) YES.</p> <p>(C)(ii) Immediately upon determining the child is not on the premises and the child is still missing.</p>
<p>(9) The unauthorized absence of a child who is developmentally or chronologically 6 to 12 years old.</p>	<p>(A)(i) YES.</p> <p>(A)(ii) Within 2 hours of notifying law enforcement, if the child is still missing.</p>	<p>(B)(i) YES.</p> <p>(B)(ii) Within 2 hours of determining the child is not on the premises, if the child is still missing.</p>	<p>(C)(i) YES.</p> <p>(C)(ii) Within 2 hours of determining the child is not on the premises, if the child is still missing.</p>

<p>(10) The unauthorized absence of a child who is 13 years old or older.</p>	<p>(A)(i) YES.</p> <p>(A)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing. However, you must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or you believe the child has been abducted or has no intention of returning to the operation.</p>	<p>(B)(i) YES.</p> <p>(B)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing. However, you must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or you believe the child has been abducted or has no intention of returning to the operation.</p>	<p>(C)(i) YES.</p> <p>(C)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing. However, you must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or you believe the child has been abducted or has no intention of returning to the operation.</p>
<p>(11) A child in your care contracts a communicable disease that the law requires you to report to the Department of State Health Services (DSHS) as specified in 25 TAC Chapter 97, Subchapter A, (relating to Control of Communicable Diseases).</p>	<p>(A)(i) YES, unless the information is confidential.</p> <p>(A)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease.</p>	<p>(B)(i) YES, if their child has contracted the communicable disease or has been exposed to it.</p> <p>(B)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease.</p>	<p>(C)(i) NO.</p> <p>(C)(ii) Not applicable.</p>

(12) A suicide attempt by a child.	(A)(i) YES.  (A)(ii) As soon as you become aware of the incident.	(B)(i) YES.  (B)(ii) Immediately after ensuring the safety of the child.	(C)(i) NO.  (C)(ii) Not applicable.
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Figure: 26 TAC §748.303(e)

Serious Incident	(i) To Licensing?  (ii) If so, when?	(i) To Parents?  (ii) If so, when?
(1) Any incident that renders all or part of your operation unsafe or unsanitary for a child, such as a fire or a flood.	(A)(i) YES. (A)(ii) As soon as possible, but no later than 24 hours after the incident.	(B)(i) YES. (B)(ii) As soon as possible, but no later than 24 hours after the incident.
(2) A disaster or emergency that requires your operation to close.	(A)(i) YES. (A)(ii) As soon as possible, but no later than 24 hours after the incident.	(B)(i) YES. (B)(ii) As soon as possible, but no later than 24 hours after the incident.
(3) An adult who has contact with a child in care contracts a communicable disease noted in 25 TAC 97, Subchapter A, (relating to Control of Communicable Diseases).	(A)(i) YES, unless the information is confidential. (A)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease.	(B)(i) YES, if their child has contracted the communicable disease or has been exposed to it. (B)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease.

<p>(4) An allegation that a person under the auspices of your operation who directly cares for or has access to a child in the operation has abused drugs within the past seven days.</p>	<p>(A)(i) YES.</p> <p>(A)(ii) Within 24 hours after learning of the allegation.</p>	<p>(B)(i) NO.</p> <p>(B)(ii) Not applicable.</p>
<p>(5) An investigation of abuse or neglect by an entity (other than the Texas Department of Family and Protective Services Child Care Investigations division) of an employee, professional level service provider, contract staff, volunteer, or other adult at the operation.</p>	<p>(A)(i) YES.</p> <p>(A)(ii) As soon as possible, but no later than 24 hours after you become aware of the investigation.</p>	<p>(B)(i) NO.</p> <p>(B)(ii) Not applicable.</p>
<p>(6) Any of the following relating to an employee, professional level service provider, contract staff, volunteer, or other adult at the operation alleging commission of any crime as provided in §745.661 of this title (relating to What types of criminal convictions may affect a subject's ability to be present at an operation?):</p> <ul style="list-style-type: none"> <li>• An arrest;</li> <li>• An indictment;</li> <li>• An information regarding an official complaint accepted by a county or district attorney; or</li> <li>• An arrest warrant executed by law enforcement.</li> </ul>	<p>(A)(i) YES.</p> <p>(A)(ii) As soon as you become aware of the situation.</p>	<p>(B)(i) NO.</p> <p>(B)(ii) Not applicable.</p>
<p>(7) A search warrant is executed by law enforcement at the operation.</p>	<p>(A)(i) YES.</p> <p>(A)(ii) As soon as you become aware of the situation.</p>	<p>(B)(i) NO.</p> <p>(B)(ii) Not applicable.</p>
<p>(8) An allegation that an employee or caregiver:</p> <ul style="list-style-type: none"> <li>• Used a prohibited emergency behavior intervention technique, as outlined in §748.2451(b) of this chapter (relating to What types of emergency behavior intervention may I administer?);</li> <li>• Used a prohibited personal restraint technique, as outlined in</li> </ul>	<p>(A)(i) YES.</p> <p>(A)(ii) As soon as possible but no later than 24 hours after you become aware of the incident.</p>	<p>(B)(i) YES.</p> <p>(B)(ii) As soon as possible but no later than 24 hours after you become aware of the incident.</p>

<p>§748.2605 of this chapter (relating to What personal restraint techniques are prohibited?); or</p> <ul style="list-style-type: none"><li>• Used an emergency behavior intervention inappropriately, as outlined in §748.2463 of this chapter (relating to Are there any purposes for which emergency behavior intervention cannot be used?), §748.2705 of this chapter (What mechanical and other restraint devices are prohibited?), or §748.2801 of this chapter (relating to What is the maximum length of time that an emergency behavior intervention can be administered to a child?).</li></ul>		
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Figure: 26 TAC §748.2507(a)

Type of Emergency Behavior Intervention	Conditions:
(1) Short personal restraint.	Not applicable, because short personal restraints do not require orders.
(2) Personal restraint.	<p>Note: Continuation orders are required for extending the maximum amount of time for a personal restraint; and an order or recommendation from the service planning team is needed to forestall some triggered reviews.</p> <p>(A) Orders must originate from a licensed psychiatrist or psychologist and include the number of times a child may be restrained in a seven-day period.</p> <p>(B) If the orders allow more than three restraints within a seven-day period, the order must include a plan for reducing the need for emergency behavior intervention.</p> <p>(C) The licensed psychiatrist or psychologist must review PRN orders for personal restraint at least every 30 days. The review must include written clinical justification for the continuation of PRN orders and be documented in the child's record.</p> <p>(D) PRN orders may not be used to restrain a child beyond the maximum length of time for personal restraint. See §748.2801 of this chapter (relating to What is the maximum length of time that an emergency behavior intervention can be administered to a child?).</p>
(3) Emergency medication.	The licensed physician must review PRN orders for emergency medication at least every 30 days. The review must include written clinical justification for the continuation of PRN orders and be documented in the child's record.
(4) Seclusion.	(A) A licensed psychiatrist ordering seclusion is permitted to use PRN orders; however, a licensed psychologist is not.

	<p>(B) PRN orders may not be used to seclude a child beyond the maximum length of time for seclusion. See §748.2801 of this chapter.</p> <p>(C) The psychiatrist must review PRN orders for seclusion at least every 30 days. The review must include written clinical justification for the continuation of PRN orders and be documented in the child's record.</p>
(5) Mechanical restraint.	PRN orders are not permitted.

Figure: 26 TAC §748.2553

Type of Emergency Behavior Intervention	The caregiver must release the child if any of the following apply:
(1) Short personal restraint.	(A) Immediately when an emergency health situation occurs during the restraint and the caregiver must obtain treatment immediately; or  (B) Within one minute, or sooner if the danger is over or the emergency situation no longer exists.
(2) Personal restraint.	(A) Immediately when an emergency health situation occurs during the restraint and the caregiver must obtain treatment immediately;  (B) Within one minute of the implementation of a prone or supine transitional hold;  (C) As soon as the child's behavior is no longer a danger to himself or others;  (D) As soon as the medication is administered; or  (E) When the maximum time allowed for personal restraint is reached.
(3) Emergency medication.	Not applicable.
(4) Seclusion.	(A) Immediately when an emergency health situation occurs during the seclusion and the caregiver must obtain treatment immediately;  (B) As soon as the child's behavior is no longer a danger to himself or others;  (C) No later than five minutes after the child begins exhibiting the required behaviors;  (D) When the maximum time allowed for seclusion is reached;  (E) If the child falls asleep in seclusion, the caregiver must:

	<p>(i) Unlock the door;</p> <p>(ii) Continuously observe the child until he awakens; and</p> <p>(iii) Evaluate his overall well-being; or</p> <p>(F) If the child is receiving emergency care services:</p> <p>(i) As soon as the child is no longer a danger to himself or others;</p> <p>(ii) Upon the arrival of a medical professional; or</p> <p>(iii) Upon assistance from law enforcement or the fire department.</p>
(5) Mechanical restraint.	<p>(A) Immediately when an emergency health situation occurs during the restraint and the caregiver must obtain treatment immediately;</p> <p>(B) As soon as the child's behavior is no longer a danger to himself or others;</p> <p>(C) No later than five minutes after the child begins exhibiting the required behaviors;</p> <p>(D) When the maximum time allowed for mechanical restraint is reached; or</p> <p>(E) If the child falls asleep in the mechanical restraint. In this situation, the caregiver must release the child from the restraint and continuously observe the child until he awakens and evaluate him.</p>

Figure: 26 TAC §749.503(a)

Serious Incident	(i) To Licensing?  (ii) If so, when?	(i) To Parents?  (ii) If so, when?	(i) To Law enforcement?  (ii) If so, when?
(1) A child dies while in your care.	(A)(i) YES  (A)(ii) As soon as possible, but no later than 2 hours after the child's death.	(B)(i) YES  (B)(ii) As soon as possible, but no later than 2 hours after the child's death.	(C)(i) YES  (C)(ii) Immediately, but no later than 1 hour after the child's death.
(2) A substantial physical injury or critical illness that a reasonable person would conclude needs treatment by a medical professional or hospitalization.	(A)(i) YES  (A)(ii) Report as soon as possible, but no later than 24 hours after the incident or occurrence.	(B)(i) YES  (B)(ii) Immediately after ensuring the safety of the child.	(C)(i) NO  (C)(ii) Not Applicable
(3) Allegations of abuse, neglect, or exploitation of a child; or any incident where there are indications that a child in care may have been abused, neglected, or exploited.	(A)(i) YES, including whether you plan to move the child until the investigation is complete.  (A)(ii) As soon as you become aware of it.	(B)(i) YES, including whether you plan to move the child until the investigation is complete.  (B)(ii) Immediately after ensuring the safety of the child.	(C)(i) NO  (C)(ii) Not applicable

<p>(4) Physical abuse committed by a child against another child. For the purpose of this subsection, physical abuse occurs when there is substantial physical injury, excluding any accident; or failure to make a reasonable effort to prevent an action by another person that results in substantial physical injury to the child.</p>	<p>(A)(i) YES</p> <p>(A)(ii) As soon as you become aware of it.</p>	<p>(B)(i) YES</p> <p>(B)(ii) Immediately after ensuring the safety of the child.</p>	<p>(C)(i) NO</p> <p>(C)(ii) Not applicable</p>
<p>(5) Sexual abuse committed by a child against another child. For the purpose of this subsection, sexual abuse is: conduct harmful to a child's mental, emotional or physical welfare, including nonconsensual sexual activity between children of any age, and consensual sexual activity between children with more than 24 months difference in age or when there is a significant difference in the developmental level of the children; or failure to make a reasonable effort to prevent sexual conduct harmful to a child.</p>	<p>(A)(i) YES</p> <p>(A)(ii) As soon as you become aware of it.</p>	<p>(B)(i) YES</p> <p>(B)(ii) Immediately after ensuring the safety of the child.</p>	<p>(C)(i) NO</p> <p>(C)(ii) Not applicable</p>

<p>(6) A child is indicted, charged, or arrested for a crime; or when law enforcement responds to an alleged incident at the foster home that could result in criminal charges being filed against the child.</p>	<p>(A)(i) YES</p> <p>(A)(ii) As soon as possible, but no later than 24 hours after you become aware of it.</p>	<p>(B)(i) YES</p> <p>(B)(ii) As soon as you become aware of it.</p>	<p>(C)(i) NO</p> <p>(C)(ii) Not applicable</p>
<p>(7) A child is issued a ticket at school by law enforcement or any other citation that does not result in the child being detained.</p>	<p>(A)(i) NO</p> <p>(A)(ii) Not applicable.</p>	<p>(B)(i) YES</p> <p>(B)(ii) As soon as possible, but no later than 24 hours after you become aware of it.</p>	<p>(C)(i) NO</p> <p>(C)(ii) Not applicable.</p>
<p>(8) The unauthorized absence of a child who is developmentally or chronologically under 6 years old.</p>	<p>(A)(i) YES</p> <p>(A)(ii) Within 2 hours of notifying law enforcement.</p>	<p>(B)(i) YES</p> <p>(B)(ii) Within 2 hours of notifying law enforcement.</p>	<p>(C)(i) YES</p> <p>(C)(ii) Immediately upon determining the child is not on the premises and the child is still missing.</p>
<p>(9) The unauthorized absence of a child who is developmentally or chronologically 6 to 12 years old.</p>	<p>(A)(i) YES</p> <p>(A)(ii) Within 2 hours of notifying law enforcement, if the child is still missing.</p>	<p>(B)(i) YES</p> <p>(B)(ii) Within 2 hours of determining the child is not on the premises, if the child is still missing.</p>	<p>(C)(i) YES</p> <p>(C)(ii) Within 2 hours of determining the child is not on the premises, if the child is still missing.</p>

<p>(10) The unauthorized absence of a child who is 13 years old or older.</p>	<p>(A)(i) YES</p> <p>(A)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing.</p> <p>However, you must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or you believe the child has been abducted or has no intention of returning to the foster home.</p>	<p>(B)(i) YES</p> <p>(B)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing.</p> <p>However, you must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or you believe the child has been abducted or has no intention of returning to the foster home.</p>	<p>(C)(i) YES</p> <p>(C)(ii) No later than 6 hours from when the child's absence is discovered and the child is still missing.</p> <p>However, you must report the child's absence immediately if the child has previously been alleged or determined to be a trafficking victim, or you believe the child has been abducted or has no intention of returning to the foster home.</p>
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<p>(11) A child in your care contracts a communicable disease that the law requires you to report to the Texas Department of State Health Services (DSHS) as specified in 25 TAC 97, Subchapter A, (relating to Control of Communicable Diseases).</p>	<p>(A)(i) YES, unless the information is confidential.</p> <p>(A)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease.</p>	<p>(B)(i) YES, if their child has contracted the communicable disease or has been exposed to it.</p> <p>(B)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease.</p>	<p>(C)(i) NO</p> <p>(C)(ii) Not applicable</p>
<p>(12) A suicide attempt by a child.</p>	<p>(A)(i) YES</p> <p>(A)(ii) As soon as you become aware of the incident.</p>	<p>(B)(i) YES</p> <p>(B)(ii) Immediately after ensuring the safety of the child.</p>	<p>(C)(i) NO</p> <p>(C)(ii) Not applicable</p>

Figure: 26 TAC §749.503(e)

Serious Incident	(i) To Licensing?  (ii) If so, when?	(i) To Parents?  (ii) If so, when?
(1) Any incident that renders all or part of your agency or a foster home unsafe or unsanitary for a child, such as a fire or a flood.	(A)(i) YES  (A)(ii) As soon as possible, but no later than 24 hours after the incident.	(B)(i) YES  (B)(ii) As soon as possible, but no later than 24 hours after the incident.
(2) A disaster or emergency that requires a foster home to close.	(A)(i) YES  (A)(ii) As soon as possible, but no later than 24 hours after the incident.	(B)(i) YES  (B)(ii) As soon as possible, but no later than 24 hours after the incident.
(3) An adult who has contact with a child in care contracts a communicable disease noted in 25 TAC Chapter 97, Subchapter A, (relating to Control of Communicable Diseases).	(A)(i) YES, unless the information is confidential.  (A)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease.	(B)(i) YES, if their child has contracted the communicable disease or has been exposed to it.  (B)(ii) As soon as possible, but no later than 24 hours after you become aware of the communicable disease.
(4) An allegation that a person under the auspices of your agency who directly cares for or has access to a child in the setting has abused drugs within the past seven days.	(A)(i) YES  (A)(ii) Within 24 hours after learning of the allegation.	(B)(i) NO  (B)(ii) Not applicable.
(5) An investigation of abuse or neglect by an entity (other than the Texas Department of Family and Protective Services Child Care Investigations division of an employee, professional level service provider, foster parent, contract staff, volunteer, or other adult at	(A)(i) YES  (A)(ii) As soon as possible, but no later than 24 hours after you become aware of the investigation.	(B)(i) NO  (B)(ii) Not applicable.

the agency.		
<p>(6) Any of the following relating to an employee, professional level service provider, foster parent, contract staff, volunteer, or other adult at the agency alleging commission of any crime as provided in §745.661 of this title (relating to What types of criminal convictions may affect a subject’s ability to be present at an operation?):</p> <p>An arrest;  An indictment;  Information regarding an official complaint accepted by a county or district attorney; or  An arrest warrant executed by law enforcement.</p>	<p>(A)(i) YES</p> <p>(A)(ii) As soon as you become aware of the situation.</p>	<p>(B)(i) NO</p> <p>(B)(ii) Not applicable.</p>
<p>(7) A search warrant is executed by law enforcement at the operation or a foster home.</p>	<p>(A)(i) YES.</p> <p>(A)(ii) As soon as you become aware of the situation.</p>	<p>(B)(i) NO.</p> <p>(B)(ii) Not applicable.</p>
<p>(8) An allegation that an employee or caregiver:</p> <p>Used a prohibited emergency behavior intervention technique, as outlined in §749.2051(b) of this chapter (relating to What types of emergency behavior intervention may I administer?);  Used a prohibited personal</p>	<p>(A)(i) YES</p> <p>(A)(ii) As soon as possible but no later than 24 hours after you become aware of the incident.</p>	<p>(B)(i) YES</p> <p>(B)(ii) As soon as possible but no later than 24 hours after you become aware of the incident.</p>

<p>restraint technique, as outlined in §749.2205 of this chapter (relating to What personal restraint techniques are prohibited?); or Used an Emergency Behavior Intervention inappropriately, as outlined in §749.2063 or §749.2281 of this chapter (relating to What is the maximum length of time that an emergency behavior intervention can be administered to a child?).</p>		
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Figure: 26 TAC §749.2107(a)

Type of Emergency Behavior Intervention	Conditions:
(1) Short personal restraint	Not applicable, because short personal restraints do not require orders.
(2) Personal restraint	<p>(A) Orders must originate from a licensed psychiatrist or psychologist and include the number of times a child may be restrained in a seven-day period.</p> <p>(B) If the orders allow more than three restraints within a seven-day period, the order must include a plan for reducing the need for emergency behavior intervention.</p> <p>(C) The licensed psychiatrist or psychologist must review PRN orders for personal restraint at least every 30 days. The review must include written clinical justification for the continuation of PRN orders and be documented in the child's record.</p> <p>(D) PRN orders may not be used to restrain a child beyond the maximum length of time for personal restraint, as describe in §749.2281 of this chapter (relating to What is the maximum length of time that an emergency behavior intervention can be administered to a child?).</p>
(3) Emergency medication	The licensed physician must review PRN orders for emergency medication at least every 30 days. The review must include written clinical justification for the continuation of PRN orders and be documented in the child's record.

Figure: 26 TAC §749.2153

Type of Emergency Behavior Intervention	The caregiver must release the child if any of the following apply:
(1) Short personal restraint	<p>(A) Immediately when an emergency health situation occurs during the restraint. The caregiver must obtain treatment immediately; or</p> <p>(B) Within one minute, or sooner if the danger is over or the emergency situation no longer exists .</p>
(2) Personal restraint	<p>(A) Immediately when an emergency health situation occurs during the restraint. The caregiver must obtain treatment immediately;</p> <p>(B) Within one minute of the implementation of a prone or supine transitional hold;</p> <p>(C) As soon as the child's behavior is no longer a danger to himself or others;</p> <p>(D) As soon as the medication is administered; or</p> <p>(E) When the maximum time allowed for personal restraint is reached.</p>
(3) Emergency medication	Not applicable.

**NOTICE TO EMPLOYEES CONCERNING ASSISTANCE AVAILABLE IN THE  
WORKERS' COMPENSATION SYSTEM FROM THE OFFICE OF INJURED EMPLOYEE  
COUNSEL**

Have you been injured on the job? As an injured employee in Texas, you have the right to free assistance from the Office of Injured Employee Counsel (OIEC). OIEC is the state agency that assists unrepresented injured employees with their claim in the workers' compensation system. You can contact OIEC by calling its toll-free telephone number: 1-866-393-6432. More information about OIEC and its Ombudsman Program is available at the agency's website ([www.oiec.texas.gov](http://www.oiec.texas.gov)).

**OMBUDSMAN PROGRAM**

WHAT IS AN OMBUDSMAN? An Ombudsman is an employee of OIEC who can assist you if you have a dispute with your employer's insurance carrier. An Ombudsman's assistance is free of charge. Each Ombudsman [~~has a workers' compensation adjuster's license and~~] has completed a comprehensive training program designed specifically to assist you with your dispute.

An Ombudsman can help you identify and develop the disputed issues in your case and attempt to resolve them. If the issues cannot be resolved, the Ombudsman can help you request a dispute resolution proceeding at the Texas Department of Insurance, Division of Workers' Compensation.

Once a proceeding is scheduled an Ombudsman can:

- Help you prepare for the proceeding (Benefit Review Conference and/or Contested Case Hearing);
- Attend the proceeding with you and communicate on your behalf; and
- Assist you with an appeal or a response to an insurance carrier's appeal, if necessary.





**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 Alcoholic Beverage Commission**

Annual Production Limit Order

ADJUSTMENT OF PRODUCTION LIMITS  
PURSUANT TO ALCOHOLIC BEVERAGE  
CODE SECTION 62.122

§  
§  
§  
§  
§

BEFORE THE  
TEXAS ALCOHOLIC BEVERAGE  
COMMISSION

**ANNUAL PRODUCTION LIMIT ORDER**

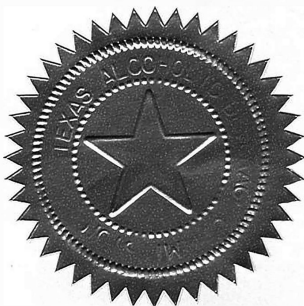
Alcoholic Beverage Code Section 62.122(f) requires the Texas Alcoholic Beverage Commission (Commission) to annually adjust the production limit prescribed by Subsection (c)(2) of the section in an amount that is equal to the percentage of the state's population growth for the previous year, as determined by the State Demographer.

According to the State Demographer, the population of the State of Texas grew by 1.17 percent from January 1, 2021, to December 31, 2021.


The annual production limit prescribed by Order of the Commission dated May 25, 2021, was 182,273 barrels. Applying the 1.17 percent 2021 population growth figure to the 182,273-barrel production limit set forth in the 2021 Commission Order equals 2,133 barrels.

IT IS THEREFORE ORDERED THAT THE ANNUAL PRODUCTION LIMIT FOR 2022 UNDER ALCOHOLIC BEVERAGE CODE SECTION 62.122(c)(2) IS 184,406 BARRELS.

ENTERED AND EFFECTIVE on this the 22 day of March, 2022.



TEXAS ALCOHOLIC BEVERAGE  
COMMISSION

  
\_\_\_\_\_  
KEVIN J. LILLY  
PRESIDING OFFICER

TRD-202201292  
Shana Horton  
Rules Attorney  
Texas Alcoholic Beverage Commission  
Filed: April 7, 2022

◆ ◆ ◆  
**Office of the Attorney General**

**Texas Health and Safety Code and Texas Water Code  
Settlement Notice**

The State of Texas gives notice of the following proposed resolution of an environmental enforcement action under the Texas Water Code and the Texas Health and Safety Code. Before the State may enter into a voluntary settlement agreement, pursuant to section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreement if the comments disclose facts or considerations indicating that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the law.

Case Title and Court: *Harris County, Texas and State of Texas v. SESCO Cement, Corp.*; Cause No. 2020-00526, in the 334th Judicial District Court, Harris County, Texas.

Background: SESCO Cement Corp. ("SESCO") owned and operated a cement packaging and distribution facility located at 8510 E. Sam Houston Parkway, Houston, Harris County, Texas 77044. Harris County Pollution Control Services Department conducted several investigations at the Facility from January 28, 2019, through April 1, 2020, documenting violations of Texas environmental statutes and TCEQ rules regulating air emissions, stormwater and wastewater discharges, and solid waste management. Harris County initiated the civil enforcement action and the State of Texas joined as a necessary and indispensable party. After the parties entered into an agreed temporary injunction, and modified temporary injunction, SESCO returned to compliance with all alleged violations.

Proposed Settlement: The parties propose an Agreed Final Judgment ("Judgment") that provides for an award to the State of Texas of \$239,818.25 in civil penalties and \$15,000 in attorney's fees; and an award to Harris County of \$239,818.25 in civil penalties, \$363.50 in court costs, and \$80,000 in attorney's fees. These awards will be paid by SESCO under a nine-month payment plan.

For a complete description of the proposed settlement, the Judgment should be reviewed in its entirety. Requests for copies of the proposed Judgment, and written comments on the same, should be directed to Logan Harrell, Assistant Attorney General, Office of the Attorney General of Texas, P. O. Box 12548, MC-066, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0911; email: Logan.Harrell@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202201380  
Austin Kinghorn  
General Counsel  
Office of the Attorney General  
Filed: April 12, 2022

◆ ◆ ◆  
**Texas Board of Chiropractic Examiners**

**Comments and Responses to 22 TAC Sections 78.3 and 78.6**

The Texas Board of Chiropractic Examiners (Board) submits the following miscellaneous document in order to cure defects with its posting of the adoption of 22 Texas Administrative Code (TAC) §78.3 and §78.6, as published in the March 18, 2022, issue of the *Texas Register*.

**Background:**

At its February 24, 2022, meeting, the Texas Board of Chiropractic Examiners (Board) voted to adopt several rules proposed at the Board's previous meeting. Those proposed rules were published in the December 10, 2021, issue of the *Texas Register* (46 TexReg 8300).

The rules adopted by the Board at the February 24 meeting were published in the March 18, 2022, issue of the *Texas Register*. Of those rulemaking adoptions, two were submitted with an incorrect preamble: New 22 TAC §78.3 (General Delegation of Responsibility) (47 TexReg 1455); and new 22 TAC §78.6 (Required Diligence in the Practice of Chiropractic) (47 TexReg 1456). The then-current 22 TAC §78.3 (General Delegation of Responsibility) (47 TexReg 1455) was also repealed at the same time.

The preambles for the new §78.3 and §78.6 failed to include comments the Board received regarding the rulemakings (as well as the Board's responses to those comments) as required by Texas Government Code §2001.029. Those comments were presented to the Board for its review at its February 24 meeting. To cure this defect, the Board publishes those comments and the Board's responses here.

**Regarding new 22 TAC §78.3:**

Comment: The Texas Medical Association (TMA) contends that subsection (c) of the new §78.3 does not clearly clarify the scope of practice by not adding "chiropractic" scope of practice as "defined by Texas law" to the text. The Board disagrees.

New subsection (c) states that "A licensee may delegate responsibility to a qualified individual to perform acts within the scope of practice, including: . . . ." The Board believes that no reasonable person (or licensee of the Board) would assume that the text refers to anything besides the chiropractic scope of practice.

The Board further believes that tacking on ". . . defined by Texas law" adds nothing to the rule except excess words. Again, no reasonable person (or licensee) would assume that the Board was referring to anything but the scope of practice under Texas law.

Comment: TMA objects to the inclusion of "performing radiological procedures" in subsection (c) on two grounds, and asks that it be struck.

First, TMA objects that the rule does not delineate what type of radiological procedures may be delegated, because Texas Occupations Code §201.002(c)(3) excludes the use of x-ray therapy or therapy that exposes the body to radioactive materials from the scope of practice. As TMA notes, this sort of radiological procedure by a chiropractor is already prohibited by statute. As a rule cannot supersede a statute, the Board believes that simply repeating the statute text in this rule would add nothing but excess words. Further, for the convenience of our licensees, the Board has already consolidated all the statutory prohibitions on the scope of practice contained in Occupations Code Chapter 201 into 22 TAC §78.2 (Prohibitions on the Scope of Practice); adding it to §78.3 would be needlessly repetitive. The Board therefore declines TMA's request.

Second, TMA objects that the new §78.3 is less detailed than the specific requirements for the delegation of radiologic procedures found in 22 TAC §78.5 (Delegation of Radiologic Procedures). TMA is correct, but only in the sense that §78.3 is a rule of general applicability governing the delegation of most chiropractic acts; it is not meant to cover all aspects of the delegation of radiological procedures. That is the purpose of §78.5. The Board has no doubt that its licensees who wish to

delegate radiological procedures will find no confusion and will follow the specific requirements of §78.5. The Board declines TMA's request.

TMA also argues that the general text regarding a chiropractor being on-site or on-call in subsection (g) of the new §78.3 conflicts with the specific requirements of §78.5 for the delegation of radiologic procedures. As said above, §78.3 is a rule of general applicability, while §78.5 governs the specific requirements for delegating radiological procedures, which includes a chiropractor being on-site. Assuming there is a conflict between the two, §78.5 governs. As the rule as published has already been adopted, the Board declines TMA's request but will review the language in subsection (g) for a possible proposed amendment, if necessary, at a future Board meeting.

Regarding new 22 TAC §78.6:

Comment: TMA asserts the new §78.6 is vague and ambiguous. TMA specifically objects to subsection (a)(1), which states: "A licensee shall . . . conform to the generally accepted standards of practice of the chiropractic profession in Texas . . ." TMA asks what the Board's intent was by adding "in Texas" and requests the Board change that to "under Texas law." The Board declines TMA's request.

The Board believes there is nothing vague or ambiguous about the text. The Board believes TMA's objection on this point is a distinction without a difference; the Board sees no articulated reason for a change in the text, just a conclusion. The Board further declines to entertain TMA's request to clarify its intent. Intent is irrelevant; it is only to the text itself to which one may object.

Please direct any questions concerning this submission to the Board's general counsel at christopher@tbce.texas.gov or (512) 305-6700.

TRD-202201337

Christopher Burnett

General Counsel

Texas Board of Chiropractic Examiners

Filed: April 11, 2022

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## Concho Valley Workforce Development Board

### Request for Quotes

The Concho Valley Workforce Development Board is soliciting proposals for: **Fiscal Technical Assistance**. The bids to be considered must be received by the Board according to the deadlines listed below.

**Proposal Release Date: April 11, 2022**

**Proposal Due Date May 2, 2022, No Later Than 4:00 p.m. (CDT)**

Please submit responses to Concho Valley Workforce Development Board.

Attention Finance Director Lisette Alverio Perez at [lalverio@cvworkforce.org](mailto:lalverio@cvworkforce.org) or (325) 703-2457

36 E. Twohig, Ste. 805

San Angelo, Texas 76903

**Fiscal Technical Assistance bid can be found here:**

<https://cvworkforce.org/Bids.aspx?BidID=17>

TRD-202201293

Yolanda Sanchez

Executive Director

Concho Valley Workforce Development Board

Filed: April 7, 2022

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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 and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 04/18/22 - 04/24/22 is 18% for Consumer<sup>1</sup>/Agricultural/Commercial<sup>2</sup> credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 04/18/22 - 04/24/22 is 18% for Commercial over \$250,000.

<sup>1</sup> Credit for personal, family or household use.

<sup>2</sup> Credit for business, commercial, investment or other similar purpose.

TRD-202201379

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: April 12, 2022

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## Court of Criminal Appeals

Order Proposing Amendment to Texas Rule of Appellate Procedure 9.4

# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 22-003

## ORDER PROPOSING AMENDMENT TO TEXAS RULE OF APPELLATE PROCEDURE 9.4

**ORDERED** that:

1. Pursuant to section 22.108 of the Texas Government Code, the Court of Criminal Appeals proposes the following amendment to Rule 9.4 of the Texas Rules of Appellate Procedure.
2. This amendment may be changed in response to public comments received before June 1, 2022. Any person may submit written comments to the Court of Criminal Appeals at [txccarulescomments@txcourts.gov](mailto:txccarulescomments@txcourts.gov) or by mail to the Clerk of the Court of Criminal Appeals at P.O. Box 12308, Austin, Texas 78711.
3. The Clerk is directed to:
  - a. file a copy of this order with the Secretary of State;
  - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this order to each elected member of the Legislature; and
  - d. submit a copy of the order for publication in the *Texas Register*.

Dated: April 5, 2022.

*Sharon Keller*

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Sharon Keller, Presiding Judge

*Barbara Hervey*

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Barbara Hervey, Judge

*Bert Richardson*

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Bert Richardson, Judge

*Kevin Patrick Yeary*

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Kevin P. Yeary, Judge

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David Newell, Judge

*Mary Lou Keel*

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Mary Lou Keel, Judge

*Scott Walker*

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Scott Walker, Judge

*Michelle M. Slaughter*

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Michelle M. Slaughter, Judge

*Jesse McClure III*

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Jesse McClure, Judge

## Rule 9. Documents Generally

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### 9.4. Form

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(i) *Length.*

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(2) Maximum Length. The documents listed below must not exceed the following limits:

(A) A brief and response in a direct appeal to the Court of Criminal Appeals in a case in which the death penalty has been assessed, and a subsequent application for a writ of habeas corpus filed pursuant to Article 11.071, Code of Criminal Procedure: 37,500 words if computer-generated, and 125 pages if not.

TRD-202201297  
Deana Williamson  
Clerk of the Court  
Court of Criminal Appeals  
Filed: April 7, 2022

Preliminary Approval of Amendments to Rule 3a of the  
Texas Rules of Civil Procedure, Rule 1.2 of the Texas Rules  
of Appellate Procedure, and Rule 10 of the Texas Rules of  
Judicial Administration



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

Misc. Docket No. 22-002

## Preliminary Approval of Amendments to Rule 3a of the Texas Rules of Civil Procedure, Rule 1.2 of the Texas Rules of Appellate Procedure, and Rule 10 of the Texas Rules of Judicial Administration

### ORDERED that:

1. The Court invites public comments on the proposed amendments to Texas Rule of Civil Procedure 3a, Texas Rule of Appellate Procedure 1.2, and Texas Rule of Judicial Administration 10 set forth in this Order.
2. The Court requests that comments be submitted in writing to [txccarulescomments@txcourts.gov](mailto:txccarulescomments@txcourts.gov) by September 1, 2022.
3. The Court will issue an order finalizing the amendments after the close of the comment period. The Court may change the amendments in response to public comments. The Court expects the final amendments to take effect on January 1, 2023.
4. The Clerk is directed to:
  - a. file a copy of this Order with the Secretary of State;
  - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this Order to each elected member of the Legislature; and
  - d. submit a copy of the Order for publication in the *Texas Register*.

Dated: March 30, 2022.

*Sharon Keller*

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Sharon Keller, Presiding Judge

*Barbara Hervey*

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Barbara Hervey, Judge

*Bert Richardson*

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Bert Richardson, Judge

*Kevin Patrick Yeary*

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Kevin P. Yeary, Judge

*David Newell*

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David Newell, Judge

*Mary Lou Keel*

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Mary Lou Keel, Judge

*Scott Walker*

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Scott Walker, Judge

*Michelle M. Slaughter*

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Michelle M. Slaughter, Judge

*Jesse S. McClure III*

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Jesse McClure, Judge



## Texas Rules of Civil Procedure

### RULE 3a. LOCAL RULES, FORMS, AND STANDING ORDERS

- (a) *General Rule.* An administrative judicial region or a court governed by these rules may promulgate local rules, forms, and standing orders that govern local practice.
- (b) *Relationship with Other Authorities.* Local rules, forms, and standing orders must not be inconsistent with state or federal law, or rules adopted by the Supreme Court of Texas. This requirement extends to any time period provided by these rules. If adopted by a court, local rules, forms, and standing orders must not be inconsistent with any rule of the administrative judicial region in which the court is located.
- (c) *Publication Required.* To be effective, local rules, forms, and standing orders must be published on the Office of Court Administration's website.

#### Notes and Comments

Comment to 1990 change: To make Texas Rules of Civil Procedure timetables mandatory and to preclude use of unpublished local rules or other "standing" orders to local practices to determine issues of substantive merit.

Comment to 2022 change: Rule 3a is amended to remove the requirement that the Supreme Court of Texas approve local rules and to expressly address local forms and standing orders. The amended rule provides that local rules, forms, and standing orders must not conflict with other laws or rules and that they are not effective unless published on the Office of Court Administration's website. Section 74.093(b) of the Texas Government Code imposes additional requirements for local rules.

## Texas Rules of Appellate Procedure

### Rule 1. Scope of Rule; Local Rules of Courts of Appeals

#### 1.1. Scope

These rules govern procedure in appellate courts and before appellate judges and post-trial procedure in trial courts in criminal cases.

#### 1.2. Local Rules and Forms

- (a) *Promulgation.* A court of appeals may promulgate rules and forms governing its practice that are not inconsistent with state or federal law, or rules adopted by the Supreme Court or the Court of Criminal Appeals.

To be effective, local rules and forms must be published on the Office of Court Administration's website.

- (b) *Party's Noncompliance.* A court must not dismiss an appeal due to a party's failure to comply with a local rule or form without giving the noncomplying party notice and a reasonable opportunity to cure the noncompliance.

### **Notes and Comments**

Comment to 1997 change: Subdivision 1.1 is simplified without substantive change. Subdivision 1.2 is amended to make clear that any person is entitled to a copy of local rules. Paragraph 1.2(c), restricting dismissal of a case for noncompliance with a local rule, is added.

Comment to 2022 change: Rule 1.2 is amended to remove the requirement that the Supreme Court of Texas and Court of Criminal Appeals approve local rules and to expressly address local forms. The amended rule provides that local rules and forms must not conflict with other laws or rules and that they are not effective unless published on the Office of Court Administration's website.

### **Texas Rules of Judicial Administration**

#### **Rule 10. Local Rules, Forms, and Standing Orders.**

(a) *General Rule.* Local rules, forms, and standing orders must not be inconsistent with other laws or rules and must be published on the Office of Court Administration's website, as required by Rule 3a of the Texas Rules of Civil Procedure and Rule 1.2 of the Texas Rules of Appellate Procedure.

(b) *Multi-Court Counties.* In multi-court counties having two or more court divisions, each division must adopt a single set of local rules, forms, and standing orders that govern all courts in the division.

(c) *Local Rule Contents.* Local rules must include:

(1) provisions for fair distribution of the caseload among the judges in the county;

(2) designation of the responsibility for emergency and special matters;

(3) plans for judicial vacation, sick leave, attendance at educational programs, and similar matters; and

(4) any other content required by Section 74.093(b) of the Government Code.

(d) *Format.* Local rules, forms, and standing orders must be submitted in a format specified by the Office of Court Administration.

(e) *Presiding Judge Authority.* The presiding judge of an administrative judicial region may direct a court in the region to amend or withdraw a local rule, form, or standing order if the presiding judge determines that the rule fails to comply with Rule 3a of the Texas Rules of Civil Procedure or that it is unfair or unduly burdensome.

(f) *Supreme Court Authority.* The Supreme Court may direct a court to amend or withdraw a local rule, form, or standing order if the Supreme Court determines that the rule fails to comply with Rule 3a of the Texas Rules of Civil Procedure or Rule 1.2 of the Texas Rules of Appellate Procedure or that it is unfair or unduly burdensome.

Comment to 2022 change: Rule 10 is amended to implement the changes to Texas Rule of Civil Procedure 3a and Texas Rule of Appellate Procedure 1.2. Paragraphs (e) and (f) expressly authorize the regional presiding judges and the Supreme Court to direct changes to or the repeal of local rules, forms, and standing orders.

## Texas Rules of Civil Procedure

### **RULE 3a. LOCAL RULES, FORMS, AND STANDING ORDERS**

- (a) ~~*General Rule.* Each~~An administrative judicial region, district court, county court, county court at law, and probate or a court, governed by these rules may make promulgate and amend local rules, forms, and standing orders that governing local practice before such courts, provided:
- (b) ~~*Relationship with Other Authorities.* Local rules, forms, and standing orders~~
- ~~(1) that any proposed rule or amendment shall~~must not be inconsistent with the~~estate or federal law, or rules~~or adopted by the Supreme Court of Texas. This requirement extends to any time period provided by these rules. If adopted by a court, local rules, forms, and standing orders must not be inconsistent with any rule of the administrative judicial region in which the court is located;
  - ~~(2) no time period provided by these rules may be altered by local rules;~~
  - ~~(3) any proposed local rule or amendment shall not become effective until it is submitted and approved by the Supreme Court of Texas;~~
  - ~~(4) any proposed local rule or amendment shall not become effective until at least thirty days after its publication in a manner reasonably calculated to bring it to the attention of attorneys practicing before the court or courts for which it is made;~~
  - ~~(5) all local rules or amendments adopted and approved in accordance herewith are made available upon request to members of the bar;~~
  - ~~(6) no local rule, order, or practice of any court, other than local rules and amendments which fully comply with all requirements of this Rule 3a, shall ever be applied to determine the merits of any matter.~~
- (c) ~~*Publication Required.* To be effective, local rules, forms, and standing orders~~must be published on the Office of Court Administration's website.

### **Notes and Comments**

Comment to 1990 change: To make Texas Rules of Civil Procedure timetables mandatory and to preclude use of unpublished local rules or other "standing" orders to local practices to determine issues of substantive merit.

Comment to 2022 change: Rule 3a is amended to remove the requirement that the Supreme Court of Texas approve local rules and to expressly address local forms and standing orders. The amended rule provides that local rules, forms, and standing orders must not conflict with other laws or rules and that they are not effective unless published on the Office of Court Administration's website. Section 74.093(b) of the Texas Government Code imposes additional requirements for local rules.

## **Texas Rules of Appellate Procedure**

### **Rule 1. Scope of Rule: Local Rules of Courts of Appeals**

#### **1.1. Scope**

These rules govern procedure in appellate courts and before appellate judges and post-trial procedure in trial courts in criminal cases.

#### **1.2. Local Rules and Forms**

- (a) *Promulgation.* A court of appeals may promulgate rules and forms governing its practice that are not inconsistent with ~~the state or~~ federal law, or rules adopted by the Supreme Court or the Court of Criminal Appeals. ~~Local rules governing civil cases must first be approved by the Supreme Court. Local rules governing criminal cases must first be approved by the Court of Criminal Appeals. To be effective,~~ local rules and forms must be published on the Office of Court Administration's website.
- ~~(b) *Copies.* The clerk must provide a copy of the court's local rules to anyone who requests it.~~
- (e) *Party's Noncompliance.* A court must not dismiss an appeal ~~for noncompliance~~ due to a party's failure to comply with a local rule or form without giving the noncomplying party notice and a reasonable opportunity to cure the noncompliance.

#### **Notes and Comments**

Comment to 1997 change: Subdivision 1.1 is simplified without substantive change. Subdivision 1.2 is amended to make clear that any person is entitled to a copy of local rules. Paragraph 1.2(c), restricting dismissal of a case for noncompliance with a local rule, is added.

Comment to 2022 change: Rule 1.2 is amended to remove the requirement that the Supreme Court of Texas and Court of Criminal Appeals approve local rules and

to expressly address local forms. The amended rule provides that local rules and forms must not conflict with other laws or rules and that they are not effective unless published on the Office of Court Administration's website.

## **Texas Rules of Judicial Administration**

### **Rule 10. Local Rules, Forms, and Standing Orders.**

~~The local rules adopted by the courts of each county shall conform to all provisions of state and administrative region rules. If approved by the Supreme Court pursuant to Rule 3a, T.R.C.P., the local rules shall be published and available to the Bar and public, and shall include the following:~~

(a) *General Rule.* Local rules, forms, and standing orders must not be inconsistent with other laws or rules and must be published on the Office of Court Administration's website, as required by Rule 3a of the Texas Rules of Civil Procedure and Rule 1.2 of the Texas Rules of Appellate Procedure.

~~a.~~ (b) *Multi-Court Counties.* In multi-court counties having two or more court divisions, each division must adopt a single set of local rules, forms, and standing orders which shall govern all courts in the division.

(c) *Local Rule Contents.* Local rules must include:

~~b.~~ (1) Provisions for fair distribution of the caseload among the judges in the county;

~~e.~~ Provisions to ensure uniformity of forms to be used by the courts under Rules 165a and 166, T.R.C.P.

~~d.~~ (2) Designation of the responsibility for emergency and special matters;

~~e.~~ (3) Plans for judicial vacation, sick leave, attendance at educational programs, and similar matters; and

(4) any other content required by Section 74.093(b) of the Government Code.

(d) *Format.* Local rules, forms, and standing orders must be submitted in a format specified by the Office of Court Administration.

(e) *Presiding Judge Authority.* The presiding judge of an administrative judicial region may direct a court in the region to amend or withdraw a local rule, form, or standing order if the presiding judge determines that the rule fails to comply

with Rule 3a of the Texas Rules of Civil Procedure or that it is unfair or unduly burdensome.

(f) *Supreme Court Authority.* The Supreme Court may direct a court to amend or withdraw a local rule, form, or standing order if the Supreme Court determines that the rule fails to comply with Rule 3a of the Texas Rules of Civil Procedure or Rule 1.2 of the Texas Rules of Appellate Procedure or that it is unfair or unduly burdensome.

Comment to 2022 change: Rule 10 is amended to implement the changes to Texas Rule of Civil Procedure 3a and Texas Rule of Appellate Procedure 1.2. Paragraphs (e) and (f) expressly authorize the regional presiding judges and the Supreme Court to direct changes to or the repeal of local rules, forms, and standing orders.

TRD-202201285  
Deana Williamson  
Clerk of the Court  
Court of Criminal Appeals  
Filed: April 6, 2022



## 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 **May 23, 2022**. 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 **May 23, 2022**. 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: 122ND & FRANKFORD / DISCOUNT SHOP RENTALS, INCORPORATED; DOCKET NUMBER: 2021-1097-PWS-E; IDENTIFIER: RN111303160; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(b)(1) and (c)(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: \$2,500; ENFORCEMENT COORDINATOR: Samantha Salas, (512) 239-1543; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(2) COMPANY: 130th & UPLAND, INCORPORATED; DOCKET NUMBER: 2021-1126-PWS-E; IDENTIFIER: RN111299301; LOCATION: Wolfforth, Lubbock County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(e)(1) and (h)(1) and Texas Health and Safety Code, §341.035(a), by failing to submit plans and specifications to the Executive Director for review and approval prior to the construction of a new public water supply; 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 (c)(3), by failing to provide continuous and effective disinfection that can be secured under all conditions; PENALTY: \$3,250; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (361) 825-3425; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(3) COMPANY: 179 AFFORDABLE STORAGE RV WAREHOUSE, INCORPORATED; DOCKET NUMBER: 2021-1076-PWS-E; IDENTIFIER: RN111293015; LOCATION: Wolfforth, Lubbock County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(e)(1) and (h)(1) and Texas Health and Safety Code, §341.035(a), by failing to submit plans and specifications to the Executive Director for review and approval prior to the construction

of a new public water supply; 30 TAC §290.41(c)(3)(A), by failing to submit well completion data for review and approval prior to placing the facility's 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: \$3,250; ENFORCEMENT COORDINATOR: Carlos Molina, (512) 239-2557; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3426, (806) 796-7092.

(4) COMPANY: City of Dell City; DOCKET NUMBER: 2021-0824-PWS-E; IDENTIFIER: RN101210409; LOCATION: Dell City, Hudspeth 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 first, second, and third quarters of 2019, through the fourth quarter of 2020; 30 TAC §290.117(c)(2)(A), (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 July 1, 2018 - December 31, 2018, January 1, 2019 - December 31, 2019, and the January 1, 2020 - December 31, 2020, monitoring periods; 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 a certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2018 - June 30, 2018, and the July 1, 2019 - December 31, 2019, monitoring periods; and 30 TAC §290.271(b) and §290.274(a) and (c), by failing to mail or directly deliver one copy of the Consumer Confidence Report (CCR) to each bill paying customer by July 1st for each year, and failing to submit to the TCEQ by July 1st for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the facility and that the information in the CCR is correct and consistent with compliance monitoring data for the calendar years 2018 and 2019; PENALTY: \$11,120; ENFORCEMENT COORDINATOR: Ecko Beggs, (915) 834-4968; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1212, (915) 834-4949.

(5) COMPANY: City of Linden; DOCKET NUMBER: 2021-1280-PWS-E; IDENTIFIER: RN101220986; LOCATION: Linden, Cass County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(m), by failing to provide an intruder-resistant fence or well house around each water treatment plant, well unit, potable water storage tank, pressure maintenance facility, and related appurtenances that remains locked during periods of darkness and when the facility is unattended; 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 minimum disinfectant residual of 0.2 milligrams per liter (mg/L) of free chlorine throughout the distribution system at all times; 30 TAC §290.46(e)(4)(C) and THSC, §341.033(a), by failing to operate the facility under the direct supervision of at least two water works operators who hold a Class C or higher groundwater license who work at least 16 hours per month; 30 TAC §290.46(l), by failing to flush all dead-end mains at monthly intervals; and 30 TAC §290.118(a) and (b), by failing to meet the maximum secondary constituent level of greater than 0.3 mg/L for iron; PENALTY: \$3,417; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 881-6991; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(6) COMPANY: City of Runaway Bay; DOCKET NUMBER: 2021-1305-PWS-E; IDENTIFIER: RN101391431; LOCATION: Runaway Bay, Wise County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(l), by failing to flush all dead-end mains at monthly intervals; and 30 TAC §290.46(q)(1) and (2), by failing to

issue a boil water notice to customers of the facility within 24 hours of a water outage using the prescribed notification format as specified in 30 TAC §290.47(c), and failing to institute special precautions as described in the flowchart found in 30 TAC §290.47(e) in the event of low distribution pressure and water outages; PENALTY: \$1,215; ENFORCEMENT COORDINATOR: Aaron Vincent, (512) 239-0855; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(7) COMPANY: Eastman Chemical Texas City, Incorporated; DOCKET NUMBER: 2021-0791-PWS-E; IDENTIFIER: RN100212620; LOCATION: Texas City, Galveston 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: \$1,637; ENFORCEMENT COORDINATOR: America Ruiz, (512) 239-2601; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(8) COMPANY: EMROOZ, Incorporated dba Snappy Foods 6 and Snappy Foods 24; DOCKET NUMBER: 2021-1040-PST-E; IDENTIFIERS: RN101902054 and RN108193590; LOCATIONS: Odem, San Patricio County and Refugio, Refugio County; TYPE OF FACILITY: convenience stores with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b)(2), by failing to assure that all underground storage tank (UST) recordkeeping requirements are met; 30 TAC §334.45(d)(1)(E)(iii) and §334.50(b)(1)(B) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the UST for releases in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for tanks installed on or after January 1, 2009, and failing to provide release detection for the pressurized piping associated with the UST system; 30 TAC §334.48(d), §334.51(a)(6), and (b)(2)(C)(i) and TWC, §26.3475(c)(2), by failing to ensure that all installed spill and overflow prevention devices are maintained in good operating condition, and failing to equip each UST with a valve or other appropriate device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity level for the tank; 30 TAC §334.50(b)(2) and TWC, §26.3475(a), by failing to provide release detection for the pressurized piping associated with the UST system; and 30 TAC §334.51(b)(2)(C)(i) and TWC, §26.3475(c)(2), by failing to equip the UST with a valve or other appropriate device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity level for the tank; PENALTY: \$10,468; ENFORCEMENT COORDINATOR: Karolyn Kent, (512) 239-2536; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(9) COMPANY: GB Biosciences LLC; DOCKET NUMBER: 2021-0349-AIR-E; IDENTIFIER: RN100238492; LOCATION: Houston, Harris County; TYPE OF FACILITY: agricultural chemical manufacturing plant; RULES VIOLATED: 30 TAC §116.115(c) and §122.143(4), New Source Review Permit Number 4893A, Special Conditions Number 1, Federal Operating Permit Number O2266, General Terms and Conditions and Special Terms and Conditions Number 9, and Texas Health and Safety Code, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$5,850; ENFORCEMENT COORDINATOR: Amanda Diaz, (713) 422-8912; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(10) COMPANY: Harris County Municipal Utility District 304; DOCKET NUMBER: 2021-1025-PWS-E; IDENTIFIER:



RN102975877; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.42(e)(4)(B), by failing to house the gas chlorination equipment and cylinders of chlorine in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities; 30 TAC §290.42(f)(1)(E)(ii), by failing to provide adequate containment facilities for all liquid chemical storage tanks; and 30 TAC §290.110(c)(5), by failing to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled; PENALTY: \$5,775; ENFORCEMENT COORDINATOR: Epifanio Villarreal, (361) 825-3421; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(11) COMPANY: KB MARINE INDUSTRY, LLC and Khang Trong Bui; DOCKET NUMBER: 2019-1159-MLM-E; IDENTIFIER: RN106905193; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: scrap metal recycling and unauthorized industrial waste disposal; RULES VIOLATED: 30 TAC §111.201 and Texas Health and Safety Code, §382.085(b), by failing to not cause, suffer, allow, or permit outdoor burning within the State of Texas; 30 TAC §281.25(a)(4), TWC, §26.121, and 40 Code of Federal Regulations (CFR) §122.26(c), by failing to obtain authorization to discharge stormwater associated with industrial activities; 30 TAC §324.6 and 40 CFR §279.22(b), by failing to ensure that all containers used to store used oil are maintained in good condition and not leaking; 30 TAC §327.5(a) and TWC, §26.266(a) and 40 CFR, §279.22(d)(3), by failing to immediately abate, contain, and clean up a discharge or spill; 30 TAC §328.3(a)(6) and TWC, §26.121(a)(1), by failing to prevent the discharge of Industrial Solid Waste (ISW) into or adjacent to any water in the state; 30 TAC §330.15(a) and (c), by failing to not cause, suffer, allow, or permit the unauthorized storage and disposal of municipal solid waste; and 30 TAC §335.2(b), by failing to not cause, suffer, allow, or permit the disposal of ISW at an unauthorized facility; PENALTY: \$45,233; ENFORCEMENT COORDINATOR: Ken Moller, (512) 239-6111; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(12) COMPANY: Pecan Valley Ranch & Farms, LLC; DOCKET NUMBER: 2021-1030-PWS-E; IDENTIFIER: RN105570139; LOCATION: Junction, Kimble County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j) and Texas Health and Safety Code, §341.0351, by failing to obtain approval prior to making any significant change or addition to the system's production treatment, storage, pressure maintenance, or distribution facilities; 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 §290.44(d) and §290.46(r), by failing to provide minimum pressure of 35 pounds per square inch (psi) throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting; PENALTY: \$1,138; ENFORCEMENT COORDINATOR: Samantha Salas, (512) 239-1543; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(13) COMPANY: Rockin J Ranch, Ltd.; DOCKET NUMBER: 2021-1281-PWS-E; IDENTIFIER: RN104375555; LOCATION: Blanco, Blanco County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.117(d)(2)(A), (h), and (i)(2), by failing to collect one lead and copper sample from the facility's one entry point no later than 180 days after the end of the January 1, 2018 - December 31, 2020, monitoring period during which the copper action level was exceeded, have the sample analyzed, and report the results to the executive director (ED); 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, 2021 - June 30, 2021, monitoring period; 30 TAC §290.117(f)(3)(A), by failing to submit a recommendation to the ED for optimal corrosion control treatment within six months after the end of the January 1, 2018 - December 31, 2020, monitoring period during which the copper action level was exceeded; and 30 TAC §290.117(g)(2)(A), by failing to submit a recommendation to the ED for source water treatment within 180 days after the end of the January 1, 2018 - December 31, 2020, monitoring period during which the copper action level was exceeded; PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Samantha Salas, (512) 239-1543; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

(14) COMPANY: S.Y.B. CONSTRUCTION CO., INCORPORATED; DOCKET NUMBER: 2021-1321-WQ-E; IDENTIFIER: RN111309662; LOCATION: Arlington, Tarrant County; TYPE OF FACILITY: sewer collection system with an associated manhole; RULE VIOLATED: TWC, §26.121(a)(1), by failing to prevent the unauthorized discharge of sewage into or adjacent to any water in the state; PENALTY: \$8,125; ENFORCEMENT COORDINATOR: Caleb Olson, (817) 588-5856; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(15) COMPANY: Saeb Kutob dba ARP FOOD STORE; DOCKET NUMBER: 2021-1113-PST-E; IDENTIFIER: RN105187041; LOCATION: Arp, Smith 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; 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 delivery of a regulated substance into the regulated USTs; 30 TAC §334.10(b)(2), by failing to assure that all UST recordkeeping requirements are met; 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the UST in a manner which will detect a release at a frequency of at least once every 30 days; and 30 TAC §334.606, by failing to maintain required operator training certification records and make them available for inspection upon request by agency personnel; PENALTY: \$11,519; ENFORCEMENT COORDINATOR: Courtney Gooris, (512) 239-1118; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(16) COMPANY: SAMNANG NALI CORPORATION dba Spitfire Grill and Grocery; DOCKET NUMBER: 2021-1298-PST-E; IDENTIFIER: RN101899169; LOCATION: Pennington, Trinity County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(2) and TWC, §26.3475(a), by failing to provide release detection for the pressurized piping associated with the underground storage tank system; PENALTY: \$3,698; ENFORCEMENT COORDINATOR: Ken Moller, (512) 239-6111; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(17) COMPANY: Sebastian Hwang; DOCKET NUMBER: 2021-1016-MLM-E; IDENTIFIER: RN111286522; LOCATION: Georgetown, Williamson County; TYPE OF FACILITY: construction site; RULES 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 Contributing Zone; and 30 TAC §281.25(a)(4), TWC, §26.121, and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with construction activities; PENALTY: \$11,250; ENFORCEMENT COORDINATOR: Alyssa Loveday, (512)

239-5504; REGIONAL OFFICE: P.O. Box 13087, Austin, Texas 78711-3087, (512) 339-2929.

(18) COMPANY: UNICO RETAIL LLC dba Mercato 2; DOCKET NUMBER: 2021-1199-PST-E; IDENTIFIER: RN101683209; LOCATION: Brownsville, Cameron County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.10(b)(2), by failing to assure that all underground storage tank (UST) recordkeeping requirements are met; 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(c)(1) and (a), by failing to monitor the 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; and 30 TAC §334.606, by failing to maintain required operator training certification records and make them available for inspection upon request by agency personnel; PENALTY: \$3,944; ENFORCEMENT COORDINATOR: Courtney Gooris, (817) 588-5863; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

TRD-202201370

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: April 12, 2022



## Enforcement Orders

An agreed order was adopted regarding Maiko Hessel Bouma dba Bouma Dairy Farm, Docket No. 2019-0814-AGR-E on April 13, 2022, assessing \$65,424 in administrative penalties with \$44,144 deferred. Information concerning any aspect of this order may be obtained by contacting Aaron Vincent, 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 AZINO PROPERTY MANAGEMENT LLC dba Payless Food Mart, Docket No. 2019-1498-PST-E on April 13, 2022, assessing \$43,954 in administrative penalties with \$26,378 deferred. Information concerning any aspect of this order may be obtained by contacting Berenice Munoz, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Silsbee, Docket No. 2020-0052-MWD-E on April 13, 2022, assessing \$17,250 in administrative penalties with \$3,450 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie Frederick, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Marlin, Docket No. 2020-0568-PWS-E on April 13, 2022, assessing \$2,325 in administrative penalties. 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 San Miguel Electric Cooperative, Inc., Docket No. 2020-0622-AIR-E on April 13, 2022, assessing \$18,600 in administrative penalties with \$3,720 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 Blue Cube Operations LLC, Docket No. 2020-1083-AIR-E on April 13, 2022, assessing \$72,500 in

administrative penalties with \$14,500 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.

A default order was adopted regarding Linda Mosbacker, Docket No. 2020-1350-MLM-E on April 13, 2022, assessing \$118,705 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting John S. Merculief II, 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 the City of Hurst, Docket No. 2020-1372-WQ-E on April 13, 2022, assessing \$7,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Caleb Olson, 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 Kuraray America, Inc., Docket No. 2020-1431-AIR-E on April 13, 2022, assessing \$8,775 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 Hurricane Harbor LP, Docket No. 2020-1523-WQ-E on April 13, 2022, assessing \$15,000 in administrative penalties with \$3,000 deferred. Information concerning any aspect of this order may be obtained by contacting Caleb Olson, 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 VITAL LINK, INC. dba Brazos Crossing, Docket No. 2020-1577-PWS-E on April 13, 2022, assessing \$1,520 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Julianne Matthews, 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 Blue Cube Operations LLC, Docket No. 2021-0011-AIR-E on April 13, 2022, assessing \$22,613 in administrative penalties with \$4,522 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 Kinder Morgan Texas Pipeline LLC, Docket No. 2021-0235-AIR-E on April 13, 2022, assessing \$6,750 in administrative penalties. 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 the City of Pflugerville, Docket No. 2021-0376-MWD-E on April 13, 2022, assessing \$72,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ellen Ojeda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Frost, Docket No. 2021-0600-PWS-E on April 13, 2022, assessing \$2,800 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Ecko Beggs, 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 A & M University, Docket No. 2021-0624-IWD-E on April 13, 2022, assessing \$39,375 in administrative penalties with \$7,875 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 Mitchel Wong as trustee of the Michael Y. Wong 1991 Trust, Mitchel Wong as trustee of the L. Shawn Wong 1991 Trust; Mitchel Wong as trustee of the Patrick Y. Wong 1991 Trust; and Mitchel Wong as trustee of the Shannon M. Wong 1991 Trust, Docket No. 2021-0632-MLM-E on April 13, 2022, assessing \$20,626 in administrative penalties with \$4,124 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandro Laje, 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 KM Liquids Terminals LLC, Docket No. 2021-0655-IWD-E on April 13, 2022, assessing \$17,813 in administrative penalties with \$3,562 deferred. Information concerning any aspect of this order may be obtained by contacting Alyssa Loveday, 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 Harris County Municipal Utility District No. 536, Docket No. 2021-0754-MWD-E on April 13, 2022, assessing \$20,000 in administrative penalties. 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 Mansfield Independent School District, Docket No. 2021-0863-MWD-E on April 13, 2022, assessing \$18,150 in administrative penalties with \$3,630 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.

TRD-202201396

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 13, 2022



### Enforcement Orders

An agreed order was adopted regarding City of Bynum, Docket No. 2020-1226-MWD-E on April 13, 2022, assessing \$5,884 in administrative penalties with \$1,176 deferred. Information concerning any aspect of this order may be obtained by contacting Steven Van Landingham, 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 ABN Construction, LLC, Docket No. 2021-0217-WQ-E on April 13, 2022, assessing \$5,000 in administrative penalties with \$1,000 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.

An agreed order was adopted regarding City of Godley, Docket No. 2021-0285-MWD-E on April 13, 2022, assessing \$1,937 in administrative penalties with \$387 deferred. Information concerning any aspect

of this order may be obtained by contacting Ellen Ojeda, 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 Charles A. Leonard dba Al Leonard Ranch, Docket No. 2021-0425-PWS-E on April 13, 2022, assessing \$2,489 in administrative penalties with \$497 deferred. Information concerning any aspect of this order may be obtained by contacting Amanda Conner, 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 Lone Star Mulch and Compost LLC, Docket No. 2021-0519-MLM-E on April 13, 2022, assessing \$3,600 in administrative penalties with \$720 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie Frederick, 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 NRG Texas Power LLC, Docket No. 2021-0528-AIR-E on April 13, 2022, assessing \$2,601 in administrative penalties with \$520 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 Equistar Chemicals, LP, Docket No. 2021-0588-AIR-E on April 13, 2022, assessing \$2,813 in administrative penalties with \$562 deferred. Information concerning any aspect of this order may be obtained by contacting Rebecca Johnson, 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. 2021-0619-UTL-E on April 13, 2022, assessing \$1,070 in administrative penalties with \$214 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 TRI-CON, INC. dba Exxpress Mart 27, Docket No. 2021-0690-PST-E on April 13, 2022, assessing \$225 in administrative penalties with \$45 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, 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 IFZA ENTERPRISES INC dba Snack Time Food Mart 2, Docket No. 2021-0726-PST-E on April 13, 2022, assessing \$3,225 in administrative penalties with \$645 deferred. Information concerning any aspect of this order may be obtained by contacting Berenice Munoz, 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 A&m express group Inc. dba TEX STAR FOOD MART, Docket No. 2021-0758-PST-E on April 13, 2022, assessing \$3,750 in administrative penalties with \$750 deferred. Information concerning any aspect of this order may be obtained by contacting Sarah Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding GOPAL INTERNATIONAL, INC. dba Star Stop #3, Docket No. 2021-0833-PST-E on April 13, 2022, assessing \$3,375 in administrative penalties with \$675 deferred.

Information concerning any aspect of this order may be obtained by contacting Sarah Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding HOTSHORT INC dba Island Food Store, Docket No. 2021-0851-PST-E on April 13, 2022, assessing \$4,500 in administrative penalties with \$900 deferred. Information concerning any aspect of this order may be obtained by contacting Carolyn Kent, 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 H. D. Weaver Ditching Service, Inc., Docket No. 2021-1015-AIR-E on April 13, 2022, assessing \$1,875 in administrative penalties with \$375 deferred. Information concerning any aspect of this order may be obtained by contacting Katelyn Dacy, 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 Ashlyn Homes Inc, Docket No. 2021-1365-WQ-E on April 13, 2022, assessing \$875 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Ellen Ojeda, 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 Jacob E. Gonzalez, Docket No. 2021-1583-WOC-E on April 13, 2022, assessing \$175 in administrative penalties. Information concerning any aspect of this citation may be obtained by contacting Ecko Beggs, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202201401

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 13, 2022



### Notice of Application and Public Hearing for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls: Proposed Air Quality Registration Number 168136

**APPLICATION.** Coreslab Structures Texas Inc, 15916 Anderson Mill Road, Cedar Park, Texas 78613-7470 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Registration Number 168136 to authorize the operation of a concrete batch plant. The facility is proposed to be located at 15916 Anderson Mill Road, Cedar Park, Williamson County, Texas 78613. 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. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=30.50694&lng=-97.85222&zoom=13&type=r>. This application was submitted to the TCEQ on March 1, 2022. The primary function of this plant is to manufacture concrete by mixing materials including (but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on March 31, 2022.

**PUBLIC COMMENT / PUBLIC HEARING.** Public written comments about this application may be submitted at any time during the public comment period. The public comment period begins on the first date notice is published and extends to the close of the public hearing.

Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at [www14.tceq.texas.gov/epic/eComment/](http://www14.tceq.texas.gov/epic/eComment/). Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record.

A public hearing has been scheduled, that will consist of two parts, an informal discussion period and a formal comment period. During the informal discussion period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but comments made during the informal period will not be considered by the executive director before reaching a decision on the permit, and no formal response will be made to the informal comments. During the formal comment period, members of the public may state their comments into the official record. **Written comments about this application may also be submitted at any time during the hearing.** The purpose of a public hearing is to provide the opportunity to submit written comments or an oral statement about the application. **The public hearing is not an evidentiary proceeding.**

**The Public Hearing is to be held:**

**Wednesday, May 18, 2022, at 6 p.m.**

**H-E-B Center at Cedar Park, Room MR 1**

**2100 Avenue of the Stars**

**Cedar Park, Texas 78613**

**RESPONSE TO COMMENTS.** A written response to all formal comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and the response to comments will be posted in the permit file for viewing.

The executive director shall approve or deny the application not later than 35 days after the date of the public hearing, 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 Austin Regional Office, located at 12100 Park 35 Circle, Building A, Room 179, Austin, Texas 78753-1808, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice.

**INFORMATION.** If you need more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Coreslab Structures (Texas) Inc., 15916 Anderson Mill Road, Cedar Park, Texas 78613-7470, or by calling Mr. Paul W Henry PE, Engineer at (512) 281-6555.

Notice Issuance Date: April 8, 2022

TRD-202201369

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 12, 2022



Notice of District Petition

Notice issued April 7, 2022

TCEQ Internal Control No. D-03012022-001; LGI Homes-Texas, LLC, a Texas limited liability company (Petitioner) filed a petition for creation of Montgomery County Municipal Utility District No. 196 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in 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 312.834 acres located within Montgomery County, Texas; and (4) the land within the proposed District is partially within the extraterritorial jurisdiction of the City of Cut and Shoot and partially within the unincorporated area of Montgomery County, and outside the corporate limits or extraterritorial jurisdiction of any other city, town, or village. By Resolution No. 97, passed and adopted on November 12, 2020, the City of Cut and Shoot, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016. The petition further states that the proposed District will: (1) purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend, inside or outside its boundaries, any and all works, improvements, facilities, systems, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial, and commercial purposes; (2) collect, transport, process, dispose of, and control domestic, industrial, and commercial wastes; (3) gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water or provide adequate drainage in the proposed District; and (4) purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend, inside or outside of its boundaries, such additional facilities, systems, plants, equipment, appliances, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. Additionally, work and services which may be performed by the proposed District include the purchase, construction, acquisition, provision, operation, maintenance, repair, improvement, extension, and development of a roadway system and park and recreational facilities. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$43,300,000 (\$22,800,000 for water, wastewater, and drainage plus \$20,500,000 for roads).

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our website at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://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](http://www.tceq.texas.gov).

TRD-202201287

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 7, 2022



#### Notice of District Petition

Notice issued April 7, 2022

TCEQ Internal Control No. D-02112022-019; Dripping Springs Partners, Limited Liability Company, a Texas limited liability company, a/k/a Dripping Springs Partners, LLC, a Texas limited liability company and 740 Sports Park, LLC, a Texas limited liability company (Petitioners) filed a petition for creation of Dripping Springs Municipal Utility District No. 1 (District) of Hays County with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioners hold title to a majority in value of the land to be included in the proposed District; (2) there are two lienholders, PlainsCapital Bank, a Texas state bank and BDK Capital Partners, LLC, a Texas limited liability company on the property to be included in the proposed District and the aforementioned entities have consented to the petition; (3) the proposed District will contain approximately 112.4 acres located within Hays County, Texas; and (4) all of the land within the proposed District is within the city limits of Dripping Springs, Texas, and no portion of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any other city, town or village in Texas. By Resolution No. 2021-R33, passed and approved on October 19, 2021, the City of Dripping Springs, Texas, gave its consent to the creation of the proposed District, pursuant to Texas Water Code §54.016.

The petition further states that the proposed District will: (1) design, construct, acquire, improve, extend, finance, maintain, operate, convey, and issue bonds for an adequate and efficient water works and sanitary sewer system for domestic and commercial purposes; (2) design, construct, acquire, improve, extend, finance, maintain, operate, convey, and issue bonds for works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District and to control, abate, and amend local storm waters or other harmful excesses of water; (3) design, construct, acquire, improve, extend, finance, convey, and issue bonds for roads and improvements in aid of roads; and (4) design, construct, acquire, improve, extend, finance, maintain, operate, convey,

and issue bonds for such other additional facilities, systems, plants, and enterprises as may be consonant with any or all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$38,675,000 (\$27,000,000 for water, wastewater, and drainage, plus \$11,675,000 for roads).

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our website at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://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](http://www.tceq.texas.gov).

TRD-202201288

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 7, 2022



#### Notice of Opportunity to Comment on Agreed Orders 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 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 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 **May 23, 2022**. 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 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 May 23, 2022**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Heiser, Inc.; DOCKET NUMBER: 2020-0309-MSW-E; TCEQ ID NUMBER: RN108823071; LOCATION: 319 East Carter Street, Pearsall, Frio County; TYPE OF FACILITY: tractor repair site; RULES VIOLATED: 30 TAC §328.56(d)(2), by failing to obtain a scrap tire storage registration for the site prior to storing more than 500 used or scrap tires on the ground or 2,000 used or scrap tires in trailers; and 30 TAC §324.15 and 40 Code of Federal Regulations §279.22(d), by failing to immediately clean up and properly dispose of any spills of used oil; PENALTY: \$7,386; STAFF ATTORNEY: Jess Robinson, Litigation, MC 175, (512) 239-0455; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(2) COMPANY: Jose Luevano dba The Ice Box; DOCKET NUMBER: 2020-1328-PST-E; TCEQ ID NUMBER: RN101746493; LOCATION: 829 West United States Highway 57, La Pryor, Zavala County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(2), by failing to monitor the USTs for releases in a manner which will detect a release at a frequency of at least once every 30 days; and TWC, §26.3475(a) and 30 TAC §334.50(b)(1)(A), by failing to provide release protection for the pressurized piping associated with the UST system; PENALTY: \$3,499; STAFF ATTORNEY: Casey Kurnath, Litigation, MC 175, (512) 239-5932; REGIONAL OFFICE: Laredo Regional Office, 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(3) COMPANY: Texas Materials Group, Inc. fka Oldcastle Materials Texas, Inc.; DOCKET NUMBER: 2018-1115-AIR-E; TCEQ ID NUMBER: RN104992276; LOCATION: 14900 State Highway 121, Frisco, Collin County; TYPE OF FACILITY: hot mix asphalt plant; RULES VIOLATED: Texas Health and Safety Code (THSC), §382.085(b), 30 TAC §116.115(c), and New Source Review (NSR) Permit Number 8597, Special Condition (SC) Number 6.B, by failing to maintain the mix temperature of the asphalt concrete below 325 degrees Fahrenheit; THSC, §382.085(b), 30 TAC §116.115(b)(2)(E)(i) and (c), and NSR Permit Number 8597, SC Number 14, by failing to maintain records containing information and data sufficient to demonstrate compliance with the permit; and THSC, §382.085(a) and (b), and 30 TAC §101.4, by failing to prevent nuisance odor conditions; PENALTY: \$45,000; STAFF ATTORNEY: Jess Robinson, Litigation, MC 175, (512) 239-0455; REGIONAL OFFICE: Dallas-Fort Worth

Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-202201372

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: April 12, 2022



### Notice of Opportunity to Comment on Default Orders 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 Orders (DOs). 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 **May 23, 2022**. 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 each 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 May 23, 2022**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the DOs shall be submitted to the commission in **writing**.

(1) COMPANY: Ann Ridlehuber; DOCKET NUMBER: 2020-0875-IHW-E; TCEQ ID NUMBER: RN102319829; LOCATION: 718 Abbot Avenue, Hillsboro, Hill County; TYPE OF FACILITY: former metal plating operation; RULES VIOLATED: TWC, §26.121(a) and 30 TAC §335.4(1), by causing, suffering, allowing, or permitting the unauthorized disposal of industrial solid waste into or adjacent to any water in the state; 40 Code of Federal Regulations (CFR) §262.11 and 30 TAC §§335.62, 335.503(a), and 335.504, by failing to conduct hazardous waste determinations and waste classifications; 40 CFR §265.173(a) and 30 TAC §335.69(d)(1), by failing to keep hazardous waste containers closed, except when adding or removing waste; and 40 CFR §262.16(b) and 30 TAC §335.69(f), by failing to comply with the 180-day accumulation time limitation for the storage of industrial hazardous waste; PENALTY: \$26,250; STAFF ATTORNEY: Taylor Pearson, Litigation, MC 175, (512) 239-5937; REGIONAL OFFICE:

Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(2) COMPANY: NEW HOPE CORNER STORE LLC; DOCKET NUMBER: 2020-0766-PST-E; TCEQ ID NUMBER: RN101561652; LOCATION: 400 Farm-to-Market Road 2933, McKinney, Collin County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.54(b)(2), by failing to maintain all piping, pumps, manways, tank access points and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons; TWC, §26.3475(d) and 30 TAC §334.49(c)(4)(C) and §334.54(b)(3), by failing to inspect and test the cathodic protection system for operability and adequacy of protection; TWC, §26.3475(a) and (c)(1) and 30 TAC §3340.50(b) and §334.54(c)(1), by failing to monitor a temporarily out-of-service UST system for releases; 30 TAC §334.7(d)(1)(B) and (d)(3), by failing to notify the agency of any change or additional information regarding the UST system within 30 days of the occurrence of the change or addition; and 30 TAC §37.815(a) and (b) and §334.54(e)(5), 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: \$12,471; STAFF ATTORNEY: Megan Grace, Litigation, MC 175, (512) 239-3334; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(3) COMPANY: Veronica Breedlove; DOCKET NUMBER: 2021-0132-MLM-E; TCEQ ID NUMBER: RN111039293; LOCATION: 19100 Pickens Road, Washington, Washington County; TYPE OF FACILITY: unauthorized municipal solid waste (MSW) site; RULES VIOLATED: 30 TAC §330.15(a)(2) and (c), by causing, suffering, allowing, or permitting the unauthorized disposal of MSW; 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: \$2,754; STAFF ATTORNEY: Jim Sallans, Litigation, MC 175, (512) 239-2053; REGIONAL OFFICE: Waco Regional Office, 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

TRD-202201373

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: April 12, 2022



### Notice of Water Quality Application

The following notice was issued on April 6, 2022

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN 30 DAYS OF THE NOTICE BEING PUBLISHED IN THE TEXAS REGISTER.

#### INFORMATION SECTION

The Texas Commission on Environmental Quality (TCEQ) has initiated a minor amendment of the Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011283001 issued on November 18, 2021 to correct the typographical errors in the pH monitoring frequency on Page 2 and Page 2a of the permit. The pH monitoring frequency will be changed to: The pH shall not be less than 6.0 standard

units nor greater than 9.0 standard units and shall be monitored once per month by grab sample for Outfall 001; and the pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored twice per month by grab sample for Outfall 002. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 250,000 gallons per day via Interim phase Outfall 001, a daily average flow not to exceed 500,000 gallons per day via Interim phase Outfall 002, and a daily average flow not to exceed 975,000 gallons per day via Final phase Outfall 002. The facility is located 1400 Roadrunner Road, in the City of Anna, Collin County, Texas 75409.

TRD-202201289

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: April 7, 2022

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## Texas Ethics Commission

### List of Late Filers

April 6, 2022

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 Scarlett Scalzo at (512) 463-5800.

**Deadline: Semiannual Report due January 15, 2021 for Committees**

Mildred Escobedo, People First, 903 E. Bugambilia, Hidalgo, Texas 78557

**Deadline: Semiannual Report due January 18, 2022 for Committees**

Rafael Alcoser, San Antonio Young Democrats, 3000 IH 10 West, San Antonio, Texas 78201

Matt Armstrong, We Love Aubrey, 1011 Surrey Ln., Bldg. 200, Flower Mound, Texas 75022

Tommy Azopardi, Texans for Economic Development, PO Box 685138, Austin, Texas 78768

Kimberly Barrier, Erath County Republican Party (CEC), 1150 North Lydia, Stephenville, Texas 76401

Lindsay Jack Branton, Balch Springs Fire Fighters Political Action Committee, P.O. Box 800034, Balch Springs, Texas 75180

Travis A. Bryan, Texas Senate District 11, P.O. Box 7334, Pasadena, Texas 77508

Diana C. Cardona, Texas Retailers Association PAC, 6204 Perlita Dr., Austin, Texas 78724

Logan M. Cheney, Fight for Austin, 5609 Tura Ln. Unit B, Austin, Texas 78721

Angela Darden, Move Tarrant Forward, 2716 York Ct., Southlake, Texas 76092

Wendy R. Davis, Wendy R. Davis for Governor, Inc., P.O. Box 1039, Fort Worth, Texas 76101

Dorothy Dawson, The Peoples Political Action Committee, 5859 Hi-rondel, Houston, Texas 77033

Chanley Delk, Big Spring Professional Firefighters PAC, 2210 S County Road 1085, Midland, Texas 79706

Gary I. Dixon, Port Arthur Community Political Action Committee, 2302 Bayou Dr., Port Arthur, Texas 77640

Mildred Escobedo, People First, 903 E. Bugambilia, Hidalgo, Texas 78557

John T. Floyd, Alliance for a New Justice System, 4900 Woodway Dr. #725, Houston, Texas 77056

Victor Garza, Hispanic Pac of Dallas, 1705 Yorkshire Dr., Richardson, Texas 75082

Anna Golden, Focus On The Kids PAC, 2100 E Gann Hill Dr, Cedar Park, Texas 78613

Elizabeth Castro Gray, Republican National Hispanic Assembly - Texas Chapter, 7717 Louetta Rd. Ste. 11084, Spring, Texas 77379

Juan Roberto Hernandez, Bexar County Tejano Democrats SD26, PO Box 29275, San Antonio, Texas 78229

Taylor L. Hogeland, A Better Hays PAC, 2022 Ford St., Austin, Texas 78704

Eddie Johnson III, Black Equity PAC, 20770 US HWY 281 N. Ste. 108-195, San Antonio, Texas 78258

Ashley R. Kamrath, Keep Texas Great PAC, 6301 Riverside Dr., Irving, Texas 75039

Matthew H. Logan, Family and Economic Prosperity PAC, 2303 Glenburn Dr., Kingwood, Texas 77345

Glenda Macal, Fort Bend Employee Federation Committee on Political Education, 12621 W. Airport Blvd. Ste. 400, Sugar Land, Texas 77478

Steve Mickelson, Citizens For A Better Farmers Branch, 701 Longspur Blvd., Austin, Texas 78753

Charles G. Rencher, Fort Bend Breakfast Club Political Action Committee, 1730 Hodge Lake Ln., Sugar Land, Texas 77478

Charles M. Sutton, Fort Bend Breakfast Club Political Action Committee, 1730 Hodge Lake Ln., Sugar Land, Texas 77478

Anastasia Wilford, LPCounties, 550 San Antonio St., Jacksonville, Texas 75766

Julian Wilson, Change Texas PAC, 11435 Devencrest Dr., Houston, Texas 77066

TRD-202201301

Anne Temple Peters

Executive Director

Texas Ethics Commission

Filed: April 8, 2022

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## Texas Health and Human Services Commission

### Criminal History Requirements for Child Care Operations

*(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the charts are not included in the print version of the Texas Register. The charts are available in the on-line version of the April 22, 2022, issue of the Texas Register.)*

26 TAC §745.661 (relating to What types of criminal convictions may affect a person's ability to be present at an operation?) states that the three charts listed in subsection (a) of this section are updated annually



and published every January in the *Texas Register* as an "In Addition" document. The three charts are entitled: (1) Licensed or Certified Child Care Operations: Criminal History Requirements; (2) Foster or Adoptive Placements: Criminal History Requirements; and (3) Registered Child Care Homes and Listed Family Homes: Criminal History Requirements.

On January 7, 2022, the charts and the proposed changes to these charts were published and made available for written public comment in the *Texas Register* (47 TexReg 47). The written public comment period closed on February 6, 2022. Six comments were received from six commenters who represented childcare centers, a child-placing agency, and themselves. Five of the six comments related to general background check matters unrelated to the charts that were subject to comment. However, one comment did relate to the charts. A summary of this comment and HHSC's response is as follows:

COMMENT: the commenter indicated there should be absolute bars for the following offenses: (1) Penal Code §39.04, Violations of the Civil Rights of Person in Custody, Improper Sexual Activity with Person in Custody (felony or misdemeanor); (2) Penal Code §43.262, Possession or Promotion of Lewd Visual Material Depicting Child (felony); and (3) Code of Criminal Procedure Art. 62.102, Failure to Comply with Registration Requirements (felony).

RESPONSE: HHSC agrees with the commenter that a conviction for Penal Code §43.262 or Code of Criminal Procedure Art. 62.102 should result in an absolute bar. A conviction for these offenses reflects a risk to children in care that does not require a risk evaluation. On the other hand, HHSC disagrees with the commenter that a conviction for Penal Code §39.04 should result in an absolute bar. In some instances, this offense may involve sexual contact, sexual intercourse, or deviate sexual intercourse with a person in custody, including in the custody of the Texas Juvenile Justice Department; a conviction based on such behavior could reflect a risk to children no matter when the conviction occurred. However, other convictions for denying or impeding any right, privilege, or immunity may not reflect an ongoing risk. Therefore, a conviction for this offense requires a risk evaluation in order to determine whether the person poses a threat to children in care. The subject of the background check may be denied eligibility for a child-care role as a result of the risk evaluation; therefore, risk to children is mitigated even in the absence of an absolute bar for the offense. HHSC has updated the charts to reflect that a conviction for Penal Code §43.262 or Code of Criminal Procedure Art. 62.102 results in an absolute bar. In order to be consistent with the update regarding Code of Criminal Procedure Art. 62.102, HHSC has also updated the charts regarding when a risk evaluation is necessary for a conviction for Penal Code §30.02 (Burglary). A person is required to register in the first place for a "reportable conviction or adjudication," which Code of Criminal Procedure Art. 62.001(5) defines to include a burglary conviction that meets certain criteria, including that the burglary related to a habitation. Accordingly, HHSC has updated the charts to require a risk evaluation for a conviction related to the burglary of a habitation, no matter when the conviction occurred, and continue to require a risk evaluation for a burglary conviction that did not involve a habitation only if the conviction occurred in the previous 10 years.

In addition to the above response, HHSC has updated the charts to (1) correct the inadvertent omission of Penal Code §38.112, Violation of Protective Order Issued on Basis of Sexual Assault or Abuse, Stalking, or Trafficking (misdemeanor) from the published chart regarding Foster or Adoptive Placements so that this offense will continue to be on this chart in addition to the other two charts; (2) correct the offense title for Code of Criminal Procedure Art. 62.102; and (3) make other non-substantive changes relating to capitalization, spacing, and formatting that did not relate to a comment.

The three Criminal History Requirements charts are adopted with changes to the proposed text as published in the January 7, 2022, issue of the *Texas Register* (47 TexReg 47).

TRD-202201389

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: April 13, 2022



### Notice of Public Hearing on Proposed Payment Rates for Financial Management Services Agency (FMSA) as part of the SFY 2022-23 Biennial Fee Review

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on May 16, 2022, at 9:00 a.m. in the Public Hearing Room 125 of the John H. Winters Building, 701 W. 51st St., Austin, Texas 78751, to receive public comments on the proposed payment rates for the multiple Long-term Services and Supports (LTSS) programs.

Increased payment rates are proposed for FMSA rates in Community Living Assistance & Support Services (CLASS), Community Care for Aged/Disabled (CCAD), Community Attendant Services (CAS), Family Care (FC), Primary Home Care (PHC), Consumer Managed Personal Attendant Services (CMPAS), Home and Community Based Services (HCBS), Texas Home Living (TxHmL), Deaf-Blind Multiple Disabilities (DBMD), Personal Care Services (PCS), STAR+PLUS, STAR Health, and STAR Kids as part of the state fiscal years 2022-23 Quarter 2 biennial fee review.

This hearing will also be available online. To join the hearing from your computer, tablet, or smartphone, register for the hearing in advance using the following link: <https://attendee.gotowebinar.com/register/787443162099286285>, webinar ID: 501-375-475. After registering, you will receive a confirmation email containing information about joining the hearing. You can also dial in using your phone at (631) 992-3221, access code 955-766-486.

If you are new to GoToWebinar, please download the GoToMeeting app at <https://global.gotomeeting.com/install/626873213> before the hearing starts.

The hearing will be held in compliance with Texas Human Resources Code Section 32.0282, which requires public notice of hearings on proposed Medicaid reimbursements. HHSC will archive the public hearing; the archive can be accessed on-demand after the hearing at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>.

Proposal. HHSC proposes to increase payment rates for FMSA services in the CLASS, CCAD, CAS, FC, PHC, CMPAS, HCBS, TxHmL, DBMD, PCS, STAR+PLUS, STAR Health, and STAR Kids programs, effective September 1, 2022.

Methodology and Justification. The proposed payment rates for FMSA services were determined according to the rate-setting methodologies codified at 1 TAC Section 355.114.

Briefing Packet. A briefing packet describing the proposed payment rates will be available at <https://pfd.hhs.texas.gov/rate-packets> no later than May 1, 2022. Interested parties may also obtain a copy of the briefing packet prior to the hearing by contacting the HHSC Provider Finance Department by telephone at (737) 867-7817, by fax at (512) 730-7475, or by email at [PFD-LTSS@hhs.texas.gov](mailto:PFD-LTSS@hhs.texas.gov).

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by email to [PFD-LTSS@hhs.texas.gov](mailto:PFD-LTSS@hhs.texas.gov). In addition, written comments may be sent by overnight mail or hand-delivered to Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex Building, 4601 W Guadalupe St., Austin, Texas 78751.

Preferred Communication. During the current state of disaster due to COVID-19, physical forms of communication are checked with less frequency than during normal business operations. For the quickest response, please use email or phone, if possible, for communication with HHSC related to this public hearing.

*Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.*

TRD-202201368

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: April 12, 2022



## Notice of Public Hearing on Proposed Updates to Medicaid Payment Rates

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on May 16, 2022, at 9:00 a.m., to receive public comments on proposed updates to Medicaid payment rates resulting from Calendar Fee Reviews, Medical Policy Reviews, Healthcare Common Procedure Coding System HCPCS Reviews, and Special Policy Review.

Due to the declared state of disaster stemming from COVID-19, this hearing will be conducted both in-person and as an online event. To join the hearing from your computer, tablet, or smartphone, register for the hearing in advance using the following link:

Registration URL: <https://attendee.gotowebinar.com/register/787443162099286285>

Webinar ID: 501-375-475

Conference Number (for those who use phone Audio and not a computer): (631) 992-3221

Phone Audio Passcode: 955-766-486

Audio PIN: (Please note, in order to receive a PIN to speak, registration is required.)

The hearing will be held in compliance with Texas Human Resources Code §32.0282, which requires public notice of and hearings on proposed Medicaid reimbursements. A recording of the hearing will be archived and can be accessed on demand at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>.

Proposal. The effective date of the proposed payment rates for the topics presented during the rate hearing will be as follows:

Effective January 1, 2022

HCPCS Review:

Surgery, Assistant Surgery Services - TOS 2 (Surgery Services), and TOS 8 (Assistant Surgery)

Effective June 1, 2022

Medical Policy Review:

Physician Administered Drugs: Zyvox (J2020)

Physician Administered Drugs: Anavip (J0841)

Effective September 1, 2022

Calendar fee Review:

Birth Center

Cardiovascular System Surgery

Digestive System Surgery

G Codes (Acute Care)

G Codes (Hospitals)

K Codes

Nervous System Surgery

Physician Administered Drugs: NDCX

Physician Administered Drugs: Non-Oncology

Physician Administered Drugs: Oncology

Physician Administered Vaccines and Toxoids

Proton Therapy

Respiratory System Surgery

T Codes

Urinary System Surgery

Vision Devices

Personal Care Services

HCPCS Review:

Quarter 3 HCPCS Drugs

Quarter 4 HCPCS Drugs

Medical Policy Review:

Wound Care Management

Wound Care Skin Substitutes

Physician Administered Drugs: Ajovy (J3031)

Special Review:

Nuclear Medicine

Methodology and Justification. The proposed payment rates were calculated in accordance with Title 1 of the Texas Administrative Code:

Section §355.8021, Reimbursement Methodology for Home Health Services

Section §355.8085, Reimbursement Methodology for Physicians and Other Practitioners;

Section §355.8441, Reimbursement Methodologies for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services, also known as Texas Health Steps (THSteps) and the THSteps Comprehensive Care Program (CCP);

Section §355.8181, Reimbursement methodology for Birthing Center reimbursement;

Section §355.8061, Reimbursement for outpatient hospitals;

Section §355.8121, Reimbursement for ambulatory surgical centers; and

Section §355.8660, Reimbursement Methodology for Renal Dialysis.

Rate Hearing Packet. A briefing packet describing the proposed payment rates will be made available at <https://pfd.hhs.texas.gov/rate-packets> on or after May 6, 2022. Interested parties may obtain a copy of the briefing packet on or after that date by contacting Provider Finance by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at [PFDAcuteCare@hhs.texas.gov](mailto:PFDAcuteCare@hhs.texas.gov).

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by e-mail to [PFDAcuteCare@hhs.texas.gov](mailto:PFDAcuteCare@hhs.texas.gov). In addition, written comments may be sent by overnight mail to Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex, 4601 Guadalupe St, Austin, Texas 78751.

Preferred Communication. During the current state of disaster due to COVID-19, physical forms of communication are checked with less frequency than during normal business operations. For quickest response, and to help curb the possible transmission of infection, please use e-mail or phone if possible, for communication with HHSC related to this rate hearing.

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202201388

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: April 12, 2022



### Notice of Public Hearing on Revenue Code 881 for End-Stage Renal Disease (ESRD) Facility Reimbursement

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing to receive comments regarding the Medical Policy Review of End Stage Renal Disease (ESRD) Facilities. HHSC proposes that, effective March 1, 2022, revenue code 881 will be a benefit of the Texas Medicaid Program. HHSC will hold the hearing on the proposal on May 16, 2022, at 9:00 a.m.

This public hearing will be held in compliance with Texas Human Resources Code §32.0282, which requires a public hearing on proposed payment adjustments. Due to the declared state of disaster stemming from COVID-19, this hearing will be conducted both in-person and as an online event. To join the hearing from your computer, tablet, or smartphone, register for the hearing in advance using the following link:

<https://attendee.gotowebinar.com/register/787443162099286285>

After registering, you will receive a confirmation email containing information about joining the hearing. You can also dial using your phone by calling (631) 992-3221, Access code: 955-766-486.

If you are new to GoToWebinar, please download the GoToMeeting app at <https://global.gotomeeting.com/install/626873213> before the hearing starts.

Members of the public may attend the rate hearing in person, which will be held in Public Hearing Room 125 in the John H. Winters Building located at 701 W. 51st Street, Austin, Texas, or access a live stream of the meeting here: <https://www.hhs.texas.gov/about-hhs/communications-events/live-archived-meeting>. For the live stream, select the "Winters Live" tab.

A recording of the webinar will be archived and can be accessed after the hearing at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>

#### Summary

HHSC has added revenue code 881 to conform with medical policy for ESRD Facilities, effective March 1, 2022.

#### Methodology

Revenue code 881 was added as a benefit to comply with the associated ESRD medical policy, which requires provider notification.

#### Proposed Rate Adjustments

Implementation of revenue code 881.

Written Comments. Written comments regarding the proposed implementation of payable revenue code changes may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail, overnight mail, special delivery mail, fax, or e-mail.

#### U.S. Mail

Health and Human Services Commission

Provider Finance Department, Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail or special delivery mail

Health and Human Services Commission

Provider Finance Department, Mail Code H-400

North Austin Complex

4601 W. Guadalupe St.

Austin, Texas 78751

Phone number for package delivery: (512) 730-7401

Fax

Attention: Provider Finance at (512) 730-7475

E-mail

[PFDAcuteCare@hhs.texas.gov](mailto:PFDAcuteCare@hhs.texas.gov)

This public rate hearing briefing packet presents proposed implementation of payable revenue code changes and will be made available on the HHSC website at <https://pfd.hhs.texas.gov/proposed-rate-packets> on or after May 6, 2022.

Preferred Communication. During the current state of disaster due to COVID-19, physical forms of communication are checked with less frequency than during normal business operations. For quickest response, please use email or phone, if possible, for communication with HHSC related to this rate hearing.

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202201367

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: April 12, 2022

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**Department of State Health Services**

Licensing Actions for Radioactive Materials

During the first half of March 2022, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Business Filing and Verification Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radiation Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: 512-834-6690, or by e-mail to: RAMlicensing@dshs.texas.gov.

NEW LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
HOUSTON	HONEYWELL INTERNATIONAL INC	L07150	HOUSTON	00	03/07/22
HOUSTON	CHEVRON GLOBAL TECHNOLOGY SERVICES COMPANY	L07151	HOUSTON	00	03/07/22

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
AMARILLO	BSA HOSPITAL LLC DBA BAPTIST ST ANTHONYS HOSPITAL	L06573	AMARILLO	016	03/09/22
BAYTOWN	COVESTRO	L01577	BAYTOWN	70	03/01/22
CARROLLTON	JUBILANT DRAXIMAGE INC DBA JUBILANT RADIOPHARMA	L06943	CARROLLTON	014	03/02/22
CORPUS CHRISTI	CHRISTUS TRINITY CLINIC	L05733	CORPUS CHRISTI	07	03/14/22
DALLAS	TEXAS ONCOLOGY PA DBA SAMMONS CANCER CENTER	L04878	DALLAS	070	03/07/22
DEER PARK	TOTALENERGIES PETROCHEMICALS & REFINING USA INC	L00302	DEER PARK	70	03/03/22
FORT WORTH	COOK CHILDRENS MEDICAL CENTER	L04518	FORT WORTH	37	03/08/22

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

FORT WORTH	BAYLOR ALL SAINTS MEDICAL CENTER DBA BAYLOR SCOTT & WHITE ALL SAINTS MEDICAL CENTER – FORT WORTH RADIOLOGY DEPARTMENT	L02212	FORT WORTH	117	03/07/22
GRAPEVINE	BAYLOR REGIONAL MEDICAL CENTER AT GRAPEVINE DBA BAYLOR SCOTT & WHITE MEDICAL CENTER GRAPEVINE	L03320	GRAPEVINE	43	03/07/22
HOUSTON	CARDIAC INTERVENTION SPECIALISTS PA	L06466	HOUSTON	04	03/01/22
HOUSTON	THE METHODIST HOSPITAL	L06948	HOUSTON	06	03/14/22
HUMBLE	RADIOMEDIX INC	L06990	HOUSTON	10	03/14/22
KINGSVILLE	TEXAS A&M UNIVERSITY KINGSVILLE	L01821	KINGSVILLE	62	03/14/22
LAKE JACKSON	THE DOW CHEMICAL COMPANY	L00451	LAKE JACKSON	112	03/01/22
LEWISVILLE	COLUMBIA MEDICAL CENTER OF LEWISVILLE SUBSIDIARY LP	L02739	LEWISVILLE	87	03/09/22
LUBBOCK	COVENANT MEDICAL CENTER	L06993	LUBBOCK	07	03/09/22
MIDLAND	SAM-CONSTRUCTION SERVICES LLC	L07108	AUSTIN	02	03/03/22
MINERAL WELLS	PALO PINTO COUNTY HOSPITAL DISTRICT	L01732	MINERAL WELLS	38	03/01/22

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

NACOGDOCHES	BHS PHYSICIANS NETWORK INC	L05982	NACOGDOCHES	04	03/14/22
THE WOODLANDS	METHODIST HEALTH CENTER DBA HOUSTON METHODIST THE WOODLANDS HOSPITAL	L06861	THE WOODLANDS	10	03/14/22
THROUGH OUT TX	PROFESSIONAL SERVICE INDUSTRIES INC	L04947	AUSTIN	30	03/08/22
THROUGH OUT TX	PIONEER WIRELINE SERVICES LLC	L06220	CONVERSE	45	03/07/22
THROUGH OUT TX	INSPECTION ASSOCIATES INC	L06601	CYPRESS	021	03/14/22
THROUGH OUT TX	BILFINGER INC	L07048	DEER PARK	04	03/07/22
THROUGH OUT TX	LOCKHEED MARTIN CORPORATION DBA LOCKHEED MARTIN AERONAUTICS COMPANY	L05633	FORT WORTH	23	03/10/22
THROUGH OUT TX	PROFESSIONAL SERVICE INDUSTRIES INC	L06169	HARKER HEIGHTS	11	03/08/22
THROUGH OUT TX	TERRACON CONSULTANTS INC	L05268	HOUSTON	69	03/15/22
THROUGH OUT TX	CARDINAL HEALTH 414 LLC DBA CARDINAL HEALTH NUCLEAR PHARMACY SERVICES	L01911	HOUSTON	170	03/01/22
THROUGH OUT TX	BAKER HUGHES OILFIELD OPERATIONS LLC	L00446	HOUSTON	200	3/15/22
THROUGH OUT TX	ACUREN INSPECTION INC	L01774	LA PORTE	307	03/07/22

AMENDMENTS TO EXISTING LICENSES ISSUED: (continued)

THROUGH OUT TX	CARRILLO & ASSOCIATES INC	L05804	LAREDO	13	03/11/22
THROUGH OUT TX	TOTAL NDT LLC	L06736	LONGVIEW	07	03/01/22
THROUGH OUT TX	PRECISION NDT LLC	L07054	MIDLAND	06	03/03/22
THROUGH OUT TX	NCS MULTISTAGE LLC	L06361	ODESSA	20	03/09/22
THROUGH OUT TX	CENTURY INSPECTION INC	L00062	PONDER	117	03/03/22
THROUGH OUT TX	CAPITOL AGGREGATES INC	L06690	SAN ANTONIO	01	3/15/22
THROUGH OUT TX	ARIAS & ASSOCIATES INC	L04964	SAN ANTONIO	60	03/11/22
THROUGHOUT TX	SCHLUMBERGER TECHNOLOGY CORPORATION	L06303	SUGAR LAND	21	03/11/22
TYLER	DELEK REFINING LTD	L02289	TYLER	33	03/09/22
VICTORIA	EQUISTAR CHEMICALS LP	L04101	VICTORIA	23	03/11/22

RENEWAL OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
FREEPORT	BRASKEM AMERICA INC	L06443	FREEPORT	09	03/07/22
VICTORIA	CITIZENS MEDICAL CENTER	L00283	VICTORIA	107	03/09/22



TERMINATIONS OF LICENSES ISSUED:

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
PARIS	TURNER INDUSTRIES GROUP LLC	L05237	PARIS	31	03/04/22

IMPOUND ORDERS ISSUED:

Name	Type of Order	License #	Address	Action	Date of Issuance
RSR Technologies Inc.	Impound Order	Revoked Registration (R31235)	2777 Stemmons Freeway, Suite 1800 Dallas, Texas	Impound General Purpose and Portable Radiographic Units	03/01/22
EZ Smiles Dental PC	Impound Order	Revoked Registration (R42903)	1115 East Arkansas Lane, Suite A, Arlington, Texas	Impound Dental Intraoral Radiographic Units	03/07/22

TRD-202201284  
 Cynthia Hernandez  
 General Counsel  
 Department of State Health Services  
 Filed: April 6, 2022

TRD-202201286  
 Justin Beam  
 Chief Clerk  
 Texas Department of Insurance  
 Filed: April 7, 2022

◆ ◆ ◆  
**Texas Department of Insurance**

**Company Licensing**

Application to do business in the state of Texas for Intrepid Casualty Company, a foreign fire and/or casualty company. The home office is in Overland Park, Kansas.

Application for Guggenheim Life and Annuity Company, a foreign life, accident and/or health company, to change its name to Clear Spring Life and Annuity Company. The home office is in Wilmington, Delaware.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of John Carter, 333 Guadalupe Street, MC 103-CL, Austin, Texas 78701.

◆ ◆ ◆  
**Company Licensing**

Application to do business in the state of Texas for American Freedom Insurance Company, a foreign fire and/or casualty company. The home office is in Mount Prospect, Illinois.

Application for North American Title Insurance Company, a foreign title company, to change its name to Doma Title Insurance, Inc. The home office is in Miami, Florida.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of John Carter, 333 Guadalupe Street, MC 103-CL, Austin, Texas 78701.

TRD-202201395

Justin Beam  
Chief Clerk  
Texas Department of Insurance  
Filed: April 13, 2022

◆ ◆ ◆  
**Texas Department of Licensing and Regulation**

**Course of Organized Instruction (COI) for Driving Safety**

The Texas Commission of Licensing and Regulation adopts amendments to the Course of Organized Instruction (COI) for Driving Safety without changes to the COI as published in the In Addition section of the February 4, 2022, issue of the *Texas Register* (47 TexReg 554). The COI will not be republished. The COI for Driving Safety is incorporated by reference with the adopted amendments to Chapter 84, Subchapter A, §84.3; and Subchapter M, §§84.500, 84.502 - 84.504, and 84.507, regarding the Driver Education and Safety Program. The rule adoption is published in the Adopted Rules section of the April 29, 2022, issue of the *Texas Register*.

TRD-202201357  
Brad Bowman  
General Counsel  
Texas Department of Licensing and Regulation  
Filed: April 11, 2022

◆ ◆ ◆  
**Course of Organized Instruction (COI) for Specialized Driving Safety**

The Texas Commission of Licensing and Regulation adopts amendments to the Course of Organized Instruction (COI) for Driving Safety without changes to the COI as published in the In Addition section of the February 4, 2022, issue of the *Texas Register* (47 TexReg 554). The COI will not be republished. The COI for Driving Safety is incorporated by reference with the adopted amendments to Chapter 84, Subchapter A, §84.3; and Subchapter M, §§84.500, 84.502 - 84.504, and 84.507, regarding the Driver Education and Safety Program. The rule adoption is published in the Adopted Rules section of the April 29, 2022, issue of the *Texas Register*.

TRD-202201362  
Brad Bowman  
General Counsel  
Texas Department of Licensing and Regulation  
Filed: April 11, 2022

◆ ◆ ◆  
**Program of Organized Instruction (POI) for Driver Education and Traffic Safety**

*(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure is not included in the print version of the Texas Register. The figure is available in the on-line version of the April 22, 2022, issue of the Texas Register.)*

The Texas Commission of Licensing and Regulation adopts amendments to the Program of Organized Instruction (POI) for Driver Education and Traffic Safety with changes to the POI as published in the In Addition section of the February 4, 2022, issue of the *Texas Register* (47 TexReg 570). The POI will be republished. The POI for Driver Education and Traffic Safety is incorporated by reference with the adopted amendments to Chapter 84, Subchapter A, §84.3; and Subchapter M, §§84.500, 84.502 - 84.504, and 84.507, regarding the Driver Education

and Safety Program. The rule adoption is published in the Adopted Rules section of the April 29, 2022, issue of the *Texas Register*.

TRD-202201361  
Brad Bowman  
General Counsel  
Texas Department of Licensing and Regulation  
Filed: April 11, 2022

◆ ◆ ◆  
**Program of Organized Instruction (POI) for Driver Education and Traffic Safety (Adult Six-Hour)**

The Texas Commission of Licensing and Regulation adopts amendments to the Program of Organized Instruction (POI) for Driver Education without changes to the POI as published in the In Addition section of the February 4, 2022, issue of the *Texas Register* (47 TexReg 570). The POI will not be republished. The POI for Driver Education for Specialized Driving Safety is incorporated by reference with the adopted amendments to Chapter 84, Subchapter A, §84.3; and Subchapter M, §§84.500, 84.502 - 84.504, and 84.507, regarding the Driver Education and Safety Program. The rule adoption is published in the Adopted Rules section of the April 29, 2022, issue of the *Texas Register*.

TRD-202201360  
Brad Bowman  
General Counsel  
Texas Department of Licensing and Regulation  
Filed: April 11, 2022

◆ ◆ ◆  
**Program of Organized Instruction (POI) for Drug and Alcohol Driving Awareness Programs (DADAP)**

The Texas Commission of Licensing and Regulation adopts amendments to the Program of Organized Instruction (POI) for Drug and Alcohol Driving Awareness Programs (DADAP) without changes to the POI-DADAP as published in the In Addition section of the February 4, 2022, issue of the *Texas Register* (47 TexReg 578). The POI-DADAP will not be republished. The POI-DADAP is incorporated by reference with the adopted amendments to Chapter 84, Subchapter A, §84.3; and Subchapter M, §§84.500, 84.502 - 84.504, and 84.507, regarding the Driver Education and Safety Program. The rule adoption is published in the Adopted Rules section of the April 29, 2022, issue of the *Texas Register*.

TRD-202201359  
Brad Bowman  
General Counsel  
Texas Department of Licensing and Regulation  
Filed: April 11, 2022

◆ ◆ ◆  
**Texas Parks and Wildlife Department**

**Notice of Proposed Real Estate Transactions**

**Grant of Utility Easement - Brazoria County**

**Approximately 2.1 Acres at the Justin Hurst Wildlife Management Area**

In a meeting on May 26, 2022, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the grant of a utility easement of approximately 2.1 acres at the Justin Hurst 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 Ted Hollingsworth, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to [ted.hollingsworth@tpwd.texas.gov](mailto:ted.hollingsworth@tpwd.texas.gov), or via the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Please be aware that public participation options may change due to the COVID-19 pandemic. Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information.

#### **Acquisition of Land - Aransas County**

##### **Approximately 52 Acres at Goose Island State Park**

In a meeting on May 26, 2022, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing an acquisition of approximately 52 acres at Goose Island State Park. 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 Ted Hollingsworth, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to [ted.hollingsworth@tpwd.texas.gov](mailto:ted.hollingsworth@tpwd.texas.gov), or via the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Please be aware that public participation options may change due to the COVID-19 pandemic. Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information.

#### **Exchange of Land - Reeves County**

##### **Approximately 5 Acres at Balmorhea State Park**

In a meeting on May 26, 2022, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing an exchange of approximately 5 acres at Balmorhea State Park. 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 [trey.vick@tpwd.texas.gov](mailto:trey.vick@tpwd.texas.gov), or via the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Please be aware that public participation options may change due to the COVID-19 pandemic. Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information.

#### **Acquisition of Land - Aransas County**

##### **Approximately .5 Acres at the Rockport State Parks Region 2 Headquarters**

In a meeting on May 26, 2022, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately .5 acres at the Rockport State Parks Region 2 Headquarters. 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 [trey.vick@tpwd.texas.gov](mailto:trey.vick@tpwd.texas.gov), or via the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Please be aware that public participation options may change due to the COVID-19 pandemic. Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information.

#### **Acquisition of Land - Bexar County**

#### **Approximately 126 Acres at Government Canyon State Natural Area**

In a meeting on May 26, 2022, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 126 acres at Government Canyon 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 Jason Estrella, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to [jason.estrella@tpwd.texas.gov](mailto:jason.estrella@tpwd.texas.gov), or via the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information regarding the Commission meeting.

#### **Grant of Pipeline Easement - Brazoria County**

##### **Approximately 2 Acres at the Justin Hurst Wildlife Management Area**

In a meeting on May 26, 2022, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the grant of a pipeline easement of approximately 2 acres at the Justin Hurst 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 Ted Hollingsworth, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to [ted.hollingsworth@tpwd.texas.gov](mailto:ted.hollingsworth@tpwd.texas.gov), or via the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Please be aware that public participation options may change due to the COVID-19 pandemic. Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information.

#### **Acquisition of Land - Burnet County**

##### **Approximately 35 Acres at Longhorn Cavern State Park**

In a meeting on May 26, 2022, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 35 acres at Longhorn Cavern State Park. 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 Jason Estrella, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, or by email to [jason.estrella@tpwd.texas.gov](mailto:jason.estrella@tpwd.texas.gov), or via the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information regarding the Commission meeting.

#### **Acquisition of Land - Gillespie County**

##### **Approximately 41 Acres at Enchanted Rock State Natural Area**

In a meeting on May 26, 2022, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 41 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 [trey.vick@tpwd.texas.gov](mailto:trey.vick@tpwd.texas.gov), or via

the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Please be aware that public participation options may change due to the COVID-19 pandemic. Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information.

#### **Acquisition of Land - Harrison County**

##### **Approximately 0.5 Acres at Caddo Lake State Park**

In a meeting on May 26, 2022, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 0.5 acres at Caddo Lake State Park. 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 [stan.david@tpwd.texas.gov](mailto:stan.david@tpwd.texas.gov), or via the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information regarding the Commission meeting.

#### **Acquisition of Land - Kimble County**

##### **Approximately 15 Acres at South Llano River State Park**

In a meeting on May 26, 2022, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 15 acres at South Llano River State Park. 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 [trey.vick@tpwd.texas.gov](mailto:trey.vick@tpwd.texas.gov), or via the department's website at [www.tpwd.texas.gov](http://www.tpwd.texas.gov). Please be aware that public participation options may change due to the COVID-19 pandemic. Visit the TPWD website at [tpwd.texas.gov](http://tpwd.texas.gov) for the latest information.

TRD-202201399

Colette Barron Bradsby

Assistant General Counsel

Texas Parks and Wildlife Department

Filed: April 13, 2022

## **Texas Public Finance Authority**

### **Texas Natural Gas Securitization Finance Corporation Request for Proposals for Underwriting Services**

The Texas Natural Gas Securitization Finance Corporation (the "Corporation") solicits this Request for Proposals ("RFP") from investment banks for the purpose of underwriting Customer Rate Relief Bonds pursuant to HB 1520 and the Financing Order transmitted to the Texas Public Finance Authority by the Railroad Commission of Texas on February 24, 2022. It is anticipated that Customer Rate Relief Bonds will be issued by mid-August 2022. Firms may indicate whether they wish to be considered for a senior managing role or a co-managing role. Firms that submit a proposal for senior manager, and that are not selected for that role, may be subsequently evaluated for inclusion as a co-manager. Firms that submit a proposal for co-manager will only be considered and evaluated for this role.

A copy of the RFP is available on the Authority's website at <http://www.tpfa.state.tx.us/rfp.aspx> and the Electronic State Business Daily ("ESBD") at <http://www.txsmartbuy.com/esbd>.

Responses are due no later than 3:00 p.m. (CT) on April 22, 2022, pursuant to the instructions in the RFP.

TRD-202201303

Lee Deviney

Executive Director

Texas Public Finance Authority

Filed: April 8, 2022

## **Supreme Court of Texas**

Preliminary Approval of Amendments to Rules 38.1(a), 52.3(a), 53.2(a), and 55.2(a) of the Texas Rules of Appellate Procedure

# Supreme Court of Texas

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Misc. Docket No. 22-9029

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## Preliminary Approval of Amendments to Rules 38.1(a), 52.3(a), 53.2(a), and 55.2(a) of the Texas Rules of Appellate Procedure

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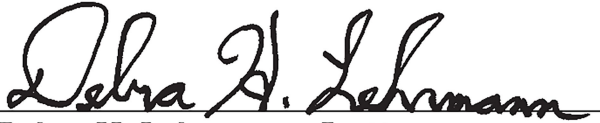
ORDERED that:

1. The Court invites public comments on the proposed amendments to Texas Rules of Appellate Procedure 38.1(a), 52.3(a), 53.2(a), and 55.2(a) set forth in this order.
2. The Court requests that comments be submitted in writing to [rulescomments@txcourts.gov](mailto:rulescomments@txcourts.gov) by July 1, 2022.
3. The Court will issue an order finalizing the amendments after the close of the comment period. The Court may change the amendments in response to public comments. The Court expects the final amendments to take effect on August 1, 2022.
4. The Clerk is directed to:
  - a. file a copy of this order with the Secretary of State;
  - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this order to each elected member of the Legislature; and
  - d. submit a copy of the order for publication in the *Texas Register*.

Dated: April 8, 2022.



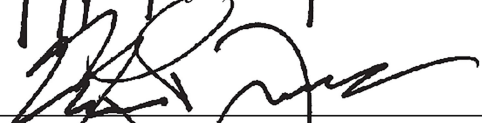
Nathan L. Hecht, Chief Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



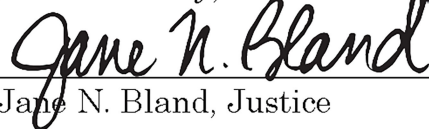
John P. Devine, Justice



James D. Blacklock, Justice



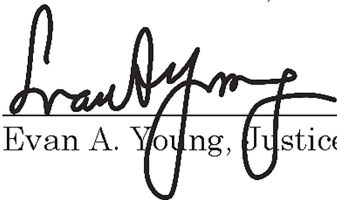
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

## Texas Rules of Appellate Procedure

### Rule 38. Requisites of Briefs (Redline Version)

#### 38.1. Appellant's Brief

The appellant's brief must, under appropriate headings and in the order here indicated, contain the following:

- (a) *Identity of Parties and Counsel.* The brief must give a complete list of all parties to the trial court's judgment or order appealed from, ~~and except as otherwise provided in Rule 9.8. The brief must also give a complete list of the names and addresses of all trial and appellate counsel, except as otherwise provided in Rule 9.8~~ appearing in the trial or appellate courts; their firm or office name at the time of the appearance; and, for current counsel, their mailing address, telephone number, and email address. If new counsel is added or if any current counsel changes their firm or office affiliation during the pendency of the appeal, lead counsel for the party must notify the clerk by filing a supplemental disclosure.

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### Rule 38. Requisites of Briefs (Clean Version)

#### 38.1. Appellant's Brief

The appellant's brief must, under appropriate headings and in the order here indicated, contain the following:

- (a) *Identity of Parties and Counsel.* The brief must give a complete list of all parties to the trial court's judgment or order appealed from, except as otherwise provided in Rule 9.8. The brief must also give a complete list of the names of all counsel appearing in the trial or appellate courts; their firm or office name at the time of the appearance; and, for current counsel, their mailing address, telephone number, and email address. If new counsel is added or if any current counsel changes their firm or office affiliation during the pendency of the appeal, lead counsel for the party must notify the clerk by filing a supplemental disclosure.

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## Rule 52. Original Proceedings

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### 52.3. Form and Contents of Petition (Redline Version)

The petition must, under appropriate headings and in the order here indicated, contain the following:

- (a) *Identity of Parties and Counsel.* The petition must give a complete list of all parties, ~~and~~. The petition must also give a complete list of the names, and addresses of all counsel appearing in the trial or appellate courts; their firm name at the time of the appearance; and, for current counsel, their mailing address, telephone number, and email address. If new counsel is added or if any current counsel changes firm affiliation during the pendency of the appeal, lead counsel for the party must notify the clerk by filing a supplemental disclosure.

\*\*\*

### 52.3. Form and Contents of Petition (Clean Version)

The petition must, under appropriate headings and in the order here indicated, contain the following:

- (a) *Identity of Parties and Counsel.* The petition must give a complete list of all parties. The petition must also give a complete list of the names of all counsel appearing in the trial or appellate courts; their firm name at the time of the appearance; and, for current counsel, their mailing address, telephone number, and email address. If new counsel is added or if any current counsel changes firm affiliation during the pendency of the appeal, lead counsel for the party must notify the clerk by filing a supplemental disclosure.

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## Rule 53. Petition for Review

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### 53.2. Contents of Petition (Redline Version)

The petition for review must, under appropriate headings and in the order here indicated, contain the following items:



- (a) *Identity of Parties and Counsel.* The petition must give a complete list of all parties to the trial court's final judgment, ~~and the names and addresses of all trial and appellate counsel.~~ The petition must also give a complete list of the names of all counsel appearing in the trial or appellate courts; their firm name at the time of the appearance; and, for current counsel, their mailing address, telephone number, and email address. If new counsel is added or if any current counsel changes firm affiliation during the pendency of the appeal, lead counsel for the party must notify the clerk by filing a supplemental disclosure.

\*\*\*

### **53.2. Contents of Petition (Clean Version)**

The petition for review must, under appropriate headings and in the order here indicated, contain the following items:

- (a) *Identity of Parties and Counsel.* The petition must give a complete list of all parties to the trial court's final judgment. The petition must also give a complete list of the names of all counsel appearing in the trial or appellate courts; their firm name at the time of the appearance; and, for current counsel, their mailing address, telephone number, and email address. If new counsel is added or if any current counsel changes firm affiliation during the pendency of the appeal, lead counsel for the party must notify the clerk by filing a supplemental disclosure.

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## **Rule 55. Briefs on the Merits**

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### **55.2. Petitioner's Brief on the Merits (Redline Version)**

The petitioner's brief on the merits must be confined to the issues or points stated in the petition for review and must, under appropriate headings and in the order here indicated, contain the following items:

- (a) *Identity of Parties and Counsel.* The brief must give a complete list of all parties to the trial court's final judgment, ~~and the names and addresses of all trial and appellate counsel.~~ The brief must also give a complete list of the names of all counsel appearing in the trial or appellate courts; their firm name at the time of the appearance; and, for current counsel, their mailing address, telephone number, and email address. If new counsel is added or if any current

counsel changes firm affiliation during the pendency of the appeal, lead counsel for the party must notify the clerk by filing a supplemental disclosure.

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## **55.2. Petitioner's Brief on the Merits (Clean Version)**

The petitioner's brief on the merits must be confined to the issues or points stated in the petition for review and must, under appropriate headings and in the order here indicated, contain the following items:

- (a) *Identity of Parties and Counsel.* The brief must give a complete list of all parties to the trial court's final judgment. The brief must also give a complete list of the names of all counsel appearing in the trial or appellate courts; their firm name at the time of the appearance; and, for current counsel, their mailing address, telephone number, and email address. If new counsel is added or if any current counsel changes firm affiliation during the pendency of the appeal, lead counsel for the party must notify the clerk by filing a supplemental disclosure.

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TRD-202201383  
Jaclyn Daumerie  
Rules Attorney  
Supreme Court of Texas  
Filed: April 12, 2022

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## How to Use the Texas Register

**Information Available:** The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

**Governor** - Appointments, executive orders, and proclamations.

**Attorney General** - summaries of requests for opinions, opinions, and open records decisions.

**Texas Ethics Commission** - summaries of requests for opinions and opinions.

**Emergency Rules** - sections adopted by state agencies on an emergency basis.

**Proposed Rules** - sections proposed for adoption.

**Withdrawn Rules** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

**Adopted Rules** - sections adopted following public comment period.

**Texas Department of Insurance Exempt Filings** - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

**Review of Agency Rules** - notices of state agency rules review.

**Tables and Graphics** - graphic material from the proposed, emergency and adopted sections.

**Transferred Rules** - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

**In Addition** - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

**How to Cite:** Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 47 (2022) is cited as follows: 47 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “47 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 47 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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