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Volume 1, Number 77, October 5, 1976  
Pages 2737 - 2798

# TEXAS REGISTER

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Requirements for teacher certificates adopted by the Texas Education Agency

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TEXAS DOCUMENTS



Office of the Secretary of State

# NOTES ON THE ISSUE

It is the responsibility of the State Board of Education and the Commissioner of Education to establish specific requirements for teacher certification. The Texas Education Agency has adopted amendments to its certification rules, which specify in detail the qualifications and training a person must have to teach at any level in Texas public schools. These rules appear in full in the Adopted Rules section, along with the rules for emergency teaching permits.

The Department of Public Welfare is proposing a set of new rules to govern licensing procedures for various child-caring institutions. The proposed rulemaking was announced in the last issue of the *Register* and the proposed date of adoption for the entire set of rules will be calculated from that date. The Day Care Licensing and General Licensing Procedures rules which appear in this issue, form the first installment of the licensing rules. As a body, the rules codify the procedures for enforcing the Child Care Licensing Act of 1975. The schedule of hearings on these rules also appears in this issue.

*Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.*

*Artwork Gary Thornton*

## TEXAS REGISTER

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## Appointments

### Greater South Texas Cultural Basin Commission

*For a two-year term to expire August 27, 1977:*

General James Rose  
Texas Water Development Board  
Stephen F. Austin State Office Building  
Austin, Texas 78711

General Rose is replacing Harry Burleigh of Austin, Travis County, who resigned.

Dr. M. L. Brockett  
Texas Education Agency  
Drawer AA, Capitol Station  
Austin, Texas 78711

Dr. Brockett is being reappointed.

Harold K. Dudley  
Texas Employment Commission  
101 East 15th Street  
Austin, Texas 78711

Mr. Dudley is being reappointed.

Raymond W. Vowell  
Department of Public Welfare  
Reagan Building  
Austin, Texas 78711

Mr. Vowell is being reappointed.

James H. Harwell  
Texas Industrial Commission  
Sam Houston State Office Building  
Austin, Texas 78711

Mr. Harwell is being reappointed.

Ben Haney  
Community Service Administration  
5818 East University  
Dallas, Texas

Mr. Haney is replacing Jose Villarreal of Dallas, Dallas County, whose term expired.

Pat Pace  
Pace Fish Company  
P.O. Box 3365  
Brownsville, Texas

Mr. Pace is being reappointed.

Jose Noe Gonzalez  
1424 South 12th Street  
Edinburg, Texas

Mr. Gonzalez is being reappointed.

Dr. J. A. Garcia  
202 North Travis  
Alice, Texas

Dr. Garcia is replacing James DeAnda of Corpus Christi, Nueces County, whose term expired.

The Honorable Eduardo C. Vela  
Mayor of Hidalgo  
P.O. Box 187  
Hidalgo, Texas 78557

Mayor Vela is replacing Commissioner R. H. Fowler of Harlingen, Cameron County, who resigned.

### Teachers' Professional Practices Commission

*For a three-year term to expire August 31, 1979:*

Albert J. Vera  
14818 Weil Place  
Houston, Texas 77037

Dr. Richard D. Strahan  
200 Westwood  
Baytown, Texas 77520

Vivian R. Bowser  
3215 Charleston  
Houston, Texas 77021

Emma Jean Tanner  
102 Oyster Bend Lane  
Lake Jackson, Texas 77566

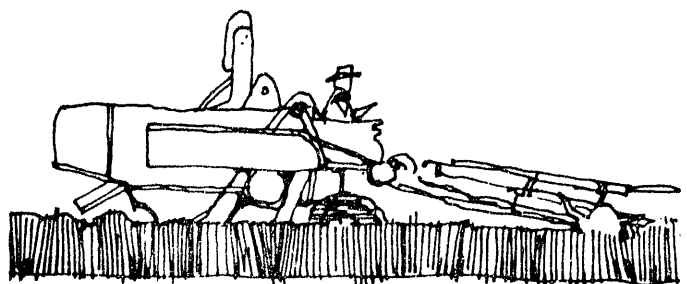
The above appointees are being reappointed.

Dr. Leo Bradley  
14337 Lost Meadow  
Houston, Texas 77079

Dr. Bradley is replacing Dr. Dana Williams of Corpus Christi, Nueces County, whose term expired.

Filed: September 27, 1976, 9:13 a.m.

Doc. No. 765054



## Requests for Opinions

### Summary of Request for Opinion

#### RQ-1473

Request for opinion sent to Attorney General's Opinion Committee by Kenneth D. Gaver, M.D., Commissioner, Texas Department of Mental Health and Mental Retardation, Austin.

**Summary of Request:** Is a Department of Public Safety investigation report prepared for the Department of Mental Health and Mental Retardation concerning the death of a resident of the Mexia State School excepted from required public disclosure under the Open Records Act?

Filed: September 29, 1976, 10:30 a.m.

Doc. No. 765109

### Summary of Request for Opinion

#### RQ-1474

Request for opinion sent to Attorney General's Opinion Committee by Walter W. Meek, Duval County Auditor, San Diego.

**Summary of Request:** Is there any limit to the amount of travel allowances that a commissioners court may allot to its members under Article 3912k, Vernon's Texas Civil Statutes?

Filed: September 27, 1976, 2:13 p.m.

Doc. No. 765074

### Summary of Request for Opinion

#### RQ-1475

Request for opinion sent to Attorney General's Opinion Committee by Ted Butler, Criminal District Attorney, San Antonio.

**Summary of Request:** Is the Texas Open Meetings Act, Article 6252-17, Vernon's Texas Civil Statutes, applicable to a commissioners court sitting as a board of equalization for ad valorem tax purposes when it deliberates on the value of property? If so, what notice is required?

Issued in Austin, Texas, on September 27, 1976.

Doc. No. 765110      C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

Filed: September 29, 1976, 10:30 a.m.

For further information, please call (512) 475-5445.

## Opinions

### Summary of Opinion H-881

Request from Bob Armstrong, Commissioner, General Land Office, Austin, concerning the constitutionality of statute granting the City of Corpus Christi conditional title in submerged land previously set aside for school fund.

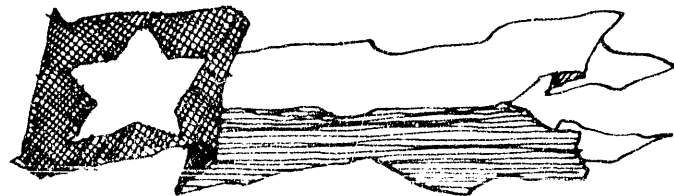
**Summary of Opinion:** An act granting the City of Corpus Christi submerged lands without compensation to the Public Free School Fund is unconstitutional in that it violates Sections 2, 4, and 5, Article 7, of the Texas Constitution.

Issued in Austin, Texas, on September 23, 1976.

Doc. No. 765075      C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

Filed: September 27, 1976, 2:13 p.m.

For further information, please call (512) 475-5445



## Open Records Decisions

### Summary of Open Records

#### Decision 144

Request for decision from Wilson E. Speir, Director, Texas Department of Public Safety, Austin, concerning whether the Open Records Act requires disclosure of conviction information from files of Department of Public Safety.

**Summary of Decision:** The information requested is excepted from required public disclosure by Section 3(a)(8) of the act.

Issued in Austin, Texas, on September 24, 1976.

Doc. No. 765076      C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

Filed: September 27, 1976, 2:14 p.m.

For further information, please call (512) 475-5445.

# PROPOSED RULES

2742

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

**Numbering System--** Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. The fourth unit (three digits) indicates the individual rule.

**Symbology--** Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.

## Texas Education Agency

### Regional Education Service Centers

#### Administration and Operation of Regional Education Service Centers 226.21.02

The State Board of Education and the Commissioner of Education propose to adopt Rule 226.21.02.025, Statewide Advisory Committee for Computer Services. This committee provides policy guidance regarding activities performed by the 20 education service centers and the Texas Education Agency in developing and providing statewide computer services for public school districts.

Public comment on the proposed adoption of Rule 226.21.02.025 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, Associate Commissioner for Policies and Services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701.

This rule is promulgated under the authority of Sections 11.25(f) and 11.33, Texas Education Code.

#### .025. *Statewide Advisory Committee for Computer Services.*

##### Policy

The Statewide Advisory Committee for Computer Services shall advise the Texas Education Agency on all aspects of the statewide program of computer services.

##### Administrative Procedure

The Statewide Advisory Committee for Computer Services shall advise the Commissioner of Education on policy and administration of:

- (1) the statewide management information system;
- (2) the computer services delivery system;
- (3) the establishment of statewide priorities for the development and implementation of computer services to school districts; and
- (4) the establishment and maintenance of a systematic evaluation process to guide decisions on monitoring, operation, and enhancement of the network system for computer services.

The Statewide Advisory Committee for Computer Services shall be responsible for the dissemination of information about the computer network plan to all educational users.

The Statewide Advisory Committee for Computer Services shall be composed of 12 members, allocated as follows:

- (1) three members represent the area served by the Gulf Texas Multi-Regional Processing Center;
- (2) three members represent the area served by the North Texas Multi-Regional Processing Center;
- (3) three members represent the area served by the South Texas Multi-Regional Processing Center; and
- (4) three members represent the area served by the regional processing centers.

Issued in Austin, Texas, on September 22, 1976.

Doc. No. 765046      M. L. Brockett  
Commissioner of Education

Proposed Date of Adoption: November 13, 1976

For further information, please call (512) 475-7077.

## Public Education Finance-- Pupils

### Pupil Attendance Accounting 226.44.01

The Commissioner of Education proposes to amend Rule 226.44.01.010, concerning pupil attendance accounting for state funding purposes. Only parts (b) and (f) of the Administrative Procedure section of the rule will be changed. The rest of the rule remains unchanged.

The proposed change would allow all districts to determine attendance by recording absences only once a day. At present, those districts on central attendance accounting systems take attendance once a day but other districts do not.

Public comment on the proposed amendment to Rule 226.44.01.010 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, at (512) 475-7077, or by writing to Dr. Morgan at 201 East 11th Street, Austin, Texas 78701.

This rule is proposed under the authority of Sections 16.055, 16.102, and Chapter 21, Texas Education Code.

*.010. Requirements of Pupil Attendance Accounting for State Funding Purposes.*

(a) Definitions-- (No change.)

(b) Pupil attendance accounting.

(1) The number of days taught shall be the actual number of days instruction is offered. Legal holidays and days the school is closed for local events cannot be counted. Pupils are to be shown as neither absent nor present on days when no instruction is offered. Such days are not to be included in the number of days taught.

(1-1) The school calendar prepared by each school district shall provide for a minimum of 180 days of actual instruction-- days which pupils and teachers are present for instructional purposes. In addition, the school calendar must provide for 10 days of inservice education and preparation for the beginning and ending of the school term, a total of 190 days.

(1-2) The operation of a school for less than 180 days of actual instruction must be approved by the Commissioner of Education when disasters, floods, extreme weather conditions, or other calamities have closed the school.

(1-3) Districts which vary their quarters from the 60 days of instruction by more than two days per quarter shall request permission from the Deputy Commissioner for Administrative Services and will provide explanatory information and materials in support of the request to vary the number of instructional days.

***(1-4) A pupil must be enrolled for at least two hours to be considered in membership for one-half day, and for at least four hours to be considered in membership for one full day.***

(1-2) The attendance of each pupil in self-contained classrooms who is in active membership shall be recorded twice daily (morning and afternoon) by the classroom teacher. The pupil must be in attendance at least two hours in the morning session and/or two hours in the afternoon session exclusive of the lunch period to be recorded present for each one half-day session.

(1-3) The districts where half-day sessions are operated for self-contained classes because of limited building facilities or overcrowded conditions, a major

portion of the scheduled day must be attended by a pupil if he is to be counted for a full day.

[(4) In districts where the primary pupils (grades one, two, three) are dismissed before a two-hour period of time has elapsed in the afternoon session, the major portion of this session must be attended to count as a half-day of attendance.]

***(1-5)(4-1)*** During the first four weeks of the school year, school boards may authorize half-day sessions for the first grade pupils to provide ample time for these pupils to make necessary adjustments to the school environment.

***(2)(4-2)*** Schools have the option of half-day or full-day kindergarten for all children. However, a kindergarten pupil enrolled in a full-day program may earn a half-day of attendance for the full year or a full-day of attendance for half the year. Full-day/full-year attendance will be earned by educationally handicapped pupils.

[(5) When classroom instruction is organized on a departmentalized basis, central attendance accounting system must be used and attendance determined for Foundation School Program funding purposes by recording absences once a day.]

[(5-1) If the school day is organized on a six-period per day schedule, the attendance for all grades may be determined by the absences recorded in the second or fifth period of the day, or if a school day is organized on other than a six-period per day schedule, attendance may also be determined by recording absences for the second or fifth period, or permission may be obtained from the Texas Education Agency for an alternate period to record absences.]

***(3) Attendance for all grades may be determined by the absences recorded in the second or fifth period of the day, or permission may be obtained from the Texas Education Agency for an alternate period to record absences.***

***(3-1) When classroom instruction is organized on a departmentalized basis, central attendance accounting system must be used.***

***(3-2)(5-2)*** Pupils absent at the time the attendance roll is taken, during the daily period selected, are counted absent for the entire day. Pupils present at the time the attendance roll is taken, during the daily period selected, are counted present for the entire day.

***(3-3)(5-3)*** Pupils enrolled on a half-day basis may earn only one half-day of attendance each school day. Attendance is determined for these pupils by recording absences in a period during the half-day that they are scheduled to be present.

***(3-4)(5-4)*** The established period in which absences are recorded may not be changed during the school year.

***(4)(6)*** The original report prepared by the classroom teacher for the period attendance is checked

[and the daily summary of absences] must be available to support the central attendance record of each pupil. [A system of computerized attendance accounting which does not provide a daily summary of absences must be approved by the Commissioner of Education.]

(5)(7) Twelfth grade pupils who are candidates for graduation are counted neither absent or present on the "senior days." Average daily attendance for this grade is computed accordingly on 177 days of instruction.

(6)(8) The last two days of instruction in each quarter may be set aside for purposes of giving examinations, in grades where classroom instruction is on a departmentalized basis provided a formalized examination schedule is established. Any pupil who meets the full examination responsibilities will be counted in attendance during these respective two-day periods. A pupil granted one or more exemptions from examinations and who is not present in school during the examination period or periods may be counted as in attendance.

(7)(9) With the approval of the local board of school trustees, a school may operate on an abbreviated day (not to be confused with half-day sessions). Where it is determined by the local board of school trustees, in order to meet all classroom assignments, the local board may shorten each class period, for the school to participate in school-sponsored activities. This procedure is to be used sparingly and is to be so noted in the minutes of the local board of school trustees.

(8)(10) A school district may choose to operate all or some of its schools for four quarters of the school year. No credit for average daily attendance under the Foundation School Program may be given to the district for attendance by any one school year. A district operating during all four quarters of the school year shall decide which students are to attend school during which quarters. However, schedules shall be so arranged that all members of a family attending the schools of a district may attend the same three quarters. A district operating during all four quarters of the school year may not require a student to attend more than three quarters.

(c) (No change.)

(d) (No change.)

(e) (No change.)

(f) Vocational Education-- Special Education Pupil Contact Hour Register. [Except for self-contained special education units, professional units allocated for and engaged in rendering direct instructional services to pupils in vocational education and special education programs must report pupil contact hours for determining full-time student equivalency in the respective programs.

["Contact hour" is defined as actual time spent rendering instruction or services.] Contact hours are re-

ported, recorded, and accounted for in accordance with instructions printed on the Vocational Education-Special Education Pupil Contact Hour Register provided by the Texas Education Agency.

(1) *The law establishes full-time equivalence to be six hours per day; therefore, a half-day pupil is considered for full-time equivalency purposes to attend school for three hours and a full-day pupil for six hours, regardless of the actual number of hours scheduled. Hours spent in special or vocational education programs are considered first. A student may not be considered in contact for more than six hours during any one school day.* [A student may not be considered in contact for more than six hours during any one school day. For schools offering seven daily 55-minute periods, only six hours are considered in computing full-time student equivalency. Hours spent in regular academic courses are considered first. Time spent in study hall is not considered first. Time spent in study hall is not considered as contact hours in schools offering more than six 55 minute periods.]

(2) Contact hours are recorded on the basis of one sample week in each quarter and are summarized by grade span as identified in Section 16.102(c), Texas Education Code, for personnel unit allocation purposes.

(3) For self-contained special education classes [and vocational] or special education campuses offering no regular program academic courses, full-time student equivalency is considered to be exactly the same as refined average daily attendance defined on Part I, Superintendent's Annual Report, and in the Daily Register of Pupil Attendance.

(4) The attendance of exceptional students in vocational education programs shall be considered vocational rather than special education.

Issued in Austin, Texas, on September 22, 1976.

Doc. No. 765047

M. L. Brockette  
Commissioner of Education

Proposed Date of Adoption: November 13, 1976

For further information, please call (512) 475-7070.

## State Department of Public Welfare

### Food Stamps

#### Responsibilities 326.15.12

The Department of Public Welfare (DPW) proposes to amend its rule about use of volunteers in the Food Stamp Program. Currently, volunteers may be used in



outreach activities, such as locating potential Food Stamp Program participants, distributing food stamp informational material, and providing transportation to certification or issuing offices. Volunteers may not be used to certify food stamp households, as only qualified DPW employees conduct the certification interview and determine a household's eligibility or ineligibility.

The proposed amendment would permit volunteers to assist certification workers in obtaining necessary verification of an applicant household's situation. This is an expansion of current use of volunteers and will benefit both applicants and certification workers. Providing prompt verification of an applicant's situation helps ensure a more timely decision of eligibility or ineligibility for the household. This proposed amendment is a clarification of existing United States Department of Agriculture policy.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 500, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

The amendment is proposed under the authority of Article 695c, Texas Civil Statutes.

*.005. Volunteers.*

(a) Volunteers or other persons not employed by DPW may not be used to [interview or] certify households. *They may, however, assist certification workers in obtaining necessary verification.* Volunteers or other non-DPW employees may be used in outreach activities, *such as locating potential participants, assisting in program promotion, teaching nutrition education, and providing transportation to the certification or issuing offices. They also may be used to assist households, who so desire, in completing the application and other forms.*

(b) *Volunteers performing casework-related activities, such as obtaining verification, are restricted in disclosing confidential information, the same as DPW employees. The provisions of Rule 326.15.12.014, Disclosure of Information, also apply to volunteers.*

Issued in Austin, Texas, on September 27, 1976.

Doc. No. 765078      Raymond W. Vowell  
                                  Commissioner  
                                  State Department of Public  
                                  Welfare

Proposed Date of Adoption: November 4, 1976

For further information, please call (512) 475-4601.



Notice of Adverse Action 326.15.65

The Department of Public Welfare proposes to amend its rule about changes which do not require advance notice to recipients in the Food Stamp Program. Prior to any action to reduce or terminate a household's benefits within the certification period, the worker must provide the household 10 days' advance notice before such action is taken. The following rule lists those situations under which an exception is made to the advance notice policy.

The amendment to Section (a)(1) of this rule clarifies and emphasizes that notices of adverse action are not required when case adjustments are made because of mass changes. Examples of such changes include changes in the maximum income limitations or basis of issuance tables, Social Security benefits, and Supplemental Security Income (SSI) payments. The notices of adverse action are not required regardless of whether the change is implemented by a computer conversion, by a special desk review, or on an "as reviewed" basis.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 503, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

This amendment is proposed under the authority of Article 695c, Texas Civil Statutes.

*.002. Changes Not Requiring an Advance Notice.*

(a) Individual notices of adverse action are not required under the following circumstances.

(1) Individual *notices* [notice] of adverse action *are* [is] not required when mass changes in *food stamp* [program] benefits are *required for certain classes of households* [made] because of changes in federal or state law, [or] federal regulations, *or DPW policy.* Ex-

amples [of such changes] include changes in the maximum income limitations, [or] basis of issuance tables, [and changes in] Social Security benefits, SSI payments, [or] PA [AFDC] grants, *or other eligibility criteria. These mass changes can be made by the computer, a scheduled desk review, or on an "as reviewed" basis.*

*In some instances, an individual case may not be adjusted until some months after the original change in law, regulation, or policy became effective. Workers should ensure that these households understand the reason for the change in their benefits.*

Issued in Austin, Texas, on September 29, 1976.

Doc. No. 765112      Raymond W. Vowell  
                                  Commissioner  
                                  State Department of Public  
                                  Welfare

Proposed Date of Adoption: November 4, 1976

For further information, please call (512) 475-4601.

## Child Support Collection

### Local Child Support Parent Locator Services 326.20.31

The Department of Public Welfare proposes to amend its rule about local parent locate efforts in the Child Support Program. State law authorizes the department to provide parent locator services and the department fulfills this responsibility in the Child Support Program. Currently, if efforts to locate an absent parent by the local child support unit are unsuccessful, a referral is made to the State Parent Locator Service. The proposed amendment will allow the local staff to request investigative help from the regional investigative unit if it appears that a more intense local investigation might locate the absent parents. The department hopes to streamline and make more effective the search for absent parents. Amendments to other rules affected by this procedural change are proposed at this time also.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 478, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

This amendment is proposed under the authority of Article 695c, Texas Civil Statutes.

#### .001. Local Locate Efforts.

(a) The effort to locate at the local child support unit level will be made when *facts indicate* [an evalua-

tion of the pertinent leads clearly point to the fact] that the local locate effort will *produce* [be productive of] a [locate] contact. [If the local efforts are unsuccessful, a referral will be made to the State Parent Locator Service, state office.] Some common sources of information available for the local locate effort are:

(1) Detailed questioning of complainant-- The AFDC *client* [recipient or other applicant] may believe that she or he has [already] given all pertinent information regarding the absent parent. However, a more detailed *question* [questioning of the complainant] may reveal information which will be useful in locating the absent parent.

(2) Directories-- Some [of the readily available] sources of information are the telephone directory, city directories, and the criss-cross directory.

(3) Employers-- Past or present employers may have information regarding the absent parent's home address, telephone number, Social Security number, or plans he or she had prior to leaving.

(4) Self-employed persons may be found by contacting firms, suppliers, customers, and trade associations [that the self-employed absent parent may have done business with]. If the absent parent's employment requires a license, the licensing source may be contacted.

(5) Utility companies-- Companies that provide gas, electricity, telephone service, garbage collection, etc., may frequently *know* [have] the address and employer of the absent parent.

*(b) If the local efforts are unsuccessful, a referral may be made to the State Parent Locator Service, state office. If it appears that a more intense local investigation might locate the absent parent, the child support unit may refer the case to the regional office of the investigation division.*

Issued in Austin, Texas, on September 29, 1976.

Doc. No. 765113      Raymond W. Vowell  
                                  Commissioner  
                                  State Department of Public  
                                  Welfare

Proposed Date of Adoption: November 4, 1976

For further information, please call (512) 475-4601.

### State Parent Locator Service 326.20.32

The Department of Public Welfare proposes to amend its rule about absent parent locate efforts on the state level. The department is authorized by state law to provide parent locator services and it does this through the Child Support Program. This proposed amendment is one of several proposed at this time to department rules about the parent locate effort.

Currently, if efforts to locate an absent parent by the local child support unit are unsuccessful, a referral is made to the State Parent Locator Service (PLS). The proposed amendment deletes Section (b) of this rule in order to allow local child support units to request investigative help from the regional investigation unit instead of sending the case to the state PLS. This streamlined procedure should make the parent locate effort more responsive and effective.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 478, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

The following amendment is proposed under the authority of Article 695c, Texas Civil Statutes.

*.001. State Locate Efforts.*

(a) The State Parent Locator Service will make a reasonable and diligent effort to locate the absent parent through all available records in the state and in other states as is appropriate. **Examples** [An example] of state agencies to be contacted by the State Parent Locator Service in the data search include: State Department of Public Welfare; Department of Public Safety; State Department of Highways and Public Transportation; Motor Vehicle Registration; Texas Department of Corrections; Texas Board of Pardons and Paroles; Texas Comptroller's Office; Industrial Accident Board; Texas Board of Plumbing Examiners; State Board of Barber Examiners; State Board of Cosmetologists; Texas Real Estate Commission; Texas Railroad Commission; and others as appropriate. Contacts will be made with the U.S. Postal Service, trade unions, and the military services as appropriate.

(b) Clues or leads contained in the case file and clues developed will be assessed by the State Parent Locator Service. Cases with productive clues will be referred for investigation services.]

(b) [(c)] Contract units with locate resource capacity equal to that required of the department in the locate process may certify to the State Parent Locator Service that every reasonable and diligent effort to locate has been exhausted. With such written certification, the contract unit may request that the case be entered directly into the Federal Parent Locator Service.

Issued in Austin, Texas, on September 29, 1976.

Doc. No. 765114 Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Proposed Date of Adoption November 4, 1976

For further information, please call (512) 475-4601.

**Referrals to Investigation Division  
326.20.33**

The Department of Public Welfare proposes to amend its rule about referrals to the Investigation Division for absent parent locate efforts in the Child Support Program. The department is authorized by state law to provide parent locator services, and it does this through the Child Support Program. This proposed amendment is one of several proposed at this time to department rules about the parent locate effort. The language of the rule is also revised and duplicate and procedural guidelines are deleted.

This rule now states that referrals to the Investigation Division will be made only by the State Parent Locator Service. The proposed amendment would allow the local child support unit to request a locate investigation directly from the local office of the Investigation Division. This streamlined procedure should make the parent locate effort more efficient.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 478, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

The following amendment is proposed under the authority of Article 695c, Texas Civil Statutes.

*.001. Request for Investigations.*

(a) The Investigation Division will **investigate** [make investigations] for the Child Support Program in the areas of locate, paternity determination, and financial asset determinations. **The child support unit may request a locate investigation directly from the local office of the Investigation Division.** Other [Any request for other] types of investigation **requests** must originate from the child support attorney with signed approval from the regional attorney.

(b) Referrals to the Investigation Division will be made only by the State Parent Locator Service as determined on a case-by-case evaluation.

(c) When it appears that the absent parent is deliberately moving to avoid contact or the service of legal papers, the child support officer may request special investigation assistance from the State Parent Locator Service.

(d) The referral to the Investigation Division will be to verify residence or employment and to develop leads through the use of professional investigation processes. The level of investigation activity expended will be determined by the State Parent Locator Service based upon the quality of leads developed.]

(b) **The child support unit may also request a locate investigation through the State Parent Locator Service. This might be necessary if the locate in-**

*investigation was needed outside the regional boundaries of the child support unit.*

(c) [(e)] Some of the common investigation sources utilized by the investigators to exhaust the local search are:

(1) Public records-- These include police records, tax records, voter registration, and other records. [The local telephone book will have listings of such agencies under city, county, and state government.]

(2) Friends, neighbors, relatives-- These sources may often provide leads to the possible location of the absent parent. [Small neighborhood grocery stores often cash checks for the absent parent and the grocery employee may remember the address listed on the personal check.]

(3) Uncommon names-- If the absent parent has an unusual last name, he or she may be related to other people of the same name in the community. [People who have the same uncommon name may have had experience involving the absent parent and may be able to help locate the absent parent.]

(4) Resident alien-- Resident aliens are required to register every January. The Immigration Service may be helpful, particularly in those areas adjacent to the Mexican border.

(5) Credit bureaus-- These may be good sources of information. Local stores which maintain their own credit may also be used.

(6) Health conditions-- If an absent parent is known to have been ill or treated, it is possible to contact the physician, who, although not legally required to do so, may cooperate. The hospital or clinic where treatment was received may also be contacted. If the exact hospital is unknown, it may be necessary to clear with all hospitals in the area. [If the absent parent suffers from a peculiar ailment which may require a particular climate, it is possible that the absent parent is in that locality.]

(7) Real estate, insurance, and bank accounts-- To make full use of these sources, it is necessary to have the details of account and policy numbers, ownerships, etc. If the AFDC recipient or other applicant searches through his or her records, he or she should have some paper giving the proper identification information. The following guidelines are important for utilizing these sources. The investigator should:

(A) be as accurate as possible in getting numbers of accounts, policies, and details of ownership;

(B) if the absent parent is an owner of real property, check with the county clerk or recorder of deeds for possible transfer of property;

(C) check insurance companies[. In larger cities, branch officers must be known, as well as policy numbers];

(D) check with banks for change of address or activity;

(E) if an absent parent is involved in any pending estate matters, check with the probate court;

(F) check with loan companies or the loan department of a bank where a loan is unpaid.

Issued in Austin, Texas, on September 29, 1976.

Doc. No. 765115      Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Proposed Date of Adoption: November 4, 1976

For further information, please call (512) 475-4601.

## Medicaid Eligibility

### Resources for Individuals Related to the SSI Program 326.25.33

The Department of Public Welfare proposes the following rule about non-liquid resources converted into cash in the Medicaid Program. This rule clarifies procedures that a certification worker must follow to determine the net value of liquid resources resulting from the sale by an individual of excess non-liquid resources. If the value of netted resources, combined with the value of other countable resources, is in excess of the applicable resource limitation, the worker must deny medical assistance.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 493, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

The following rule is proposed under the authority of Articles 695c and 695j-1, Texas Civil Statutes.

#### .021. *Non-Liquid Resources Converted into Cash.*

(a) When an individual converts non-liquid resources into cash, the worker must follow netting procedures to determine the value of resources resulting from the sale.

(b) The individual must submit evidence of the gross amount for which he or she sold the resource. He or she must also furnish evidence of the amount of any balance due on the purchase price of the resource sold and any taxes, lien balance, or mortgage balance due. Records or receipts showing the nature and amount of all expenses necessary for disposition of the resource should also be provided by the individual. All of these expenses are subtracted from the gross figure to determine the net value of resources resulting from the sale.

(c) If two or more resources are liquidated and the individual incurred a loss in the sale of one of them, this loss cannot be used to lower the net proceeds from the sale of the other resource(s).

(d) If the value of netted resources, combined with the value of other countable resources, is in excess of the applicable resource limitation, the worker must deny medical assistance.

Issued in Austin, Texas, on September 27, 1976.

Doc. No. 765079      Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Proposed Date of Adoption: November 4, 1976

For further information, please call (512) 475-4601



## Child Welfare Services

### Substitute Care 326.50.75.030

The Department of Public Welfare proposes to amend Rule 326.50.75.030, which describes the types of facilities in which children who are eligible for Aid to Families with Dependent Children (AFDC) foster care must reside.

The purpose of this amendment is to specify that private, nonprofit foster homes can be paid for AFDC foster care. Minor revisions are also being proposed for grammatical clarification.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 477, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

This amendment is proposed under the authority of Article 695c, Texas Civil Statutes.

### .030. *Type of Facility in Which Child Resides.*

(a) Children who are eligible for AFDC foster care must reside in one of the following types of foster care facilities:

(1) foster home certified and supervised by the State Department of Public Welfare; [or]

(2) foster home certified [and supervised] by a licensed child-placing agency which is on a list of child-placing agencies [approved by the department to care for children in the AFDC care program; [or]

(3) private, nonprofit child-caring institution which is currently licensed [by the Department of Public Welfare, is in compliance with the Civil Rights Act of 1964 as indicated by a signed statement filed with the department,] and is on a list of child-caring institutions approved by the department to provide care for children in the AFDC foster care program;

(4) *private, nonprofit foster home which is currently licensed and is on a list of foster homes approved for AFDC foster care.*

Issued in Austin, Texas, on September 29, 1976.

Doc. No. 765120      Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Proposed Date of Adoption: November 4, 1976

For further information, please call (512) 475-4601.

### 326.50.75.032

The State Department of Public Welfare proposes to amend Rule 326.50.75.032 which contains an explanation of the determination of rates for exceptional care in child-caring institutions.

The purpose of the amendment is to specify that the rates mentioned in the rule are for child-caring institutions. This is not a change in the rule; it is a clarification.

Comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 534, Department of Public Welfare, John H. Reagan Building, Austin, Texas, 78701, within 30 days of the publication of this *Register*.

The amendment is promulgated under the authority of Article 695c, Texas Civil Statutes.

### .032. *Rates for Exceptional Care.*

(a) *Rates for exceptional care in child-caring institutions* are individually determined based on a cost study of the facility's actual or planned expenditures. Included in the expenditures are administrative expenses (e.g., salaries, buildings, equipment, transportation), child caring expenses (e.g., staff, food,

clothing, health, education, recreation), and other expenses as authorized by federal regulations.

Issued in Austin, Texas, on September 29, 1976.

Doc. No. 765121     Raymond W. Vowell  
                         Commissioner  
                         State Department of Public  
                         Welfare

Proposed Date of Adoption: November 4, 1976

For further information, please call (512) 475-4601.

Exceptional care rates *in child-caring institutions* cannot exceed **\$12** [\$10] per day for mentally retarded or physically handicapped children, and cannot exceed **\$30** [\$25] per day for emotionally disturbed children. *Refer to rule 326.50.75.032 for explanation of determination of rates.*

Issued in Austin, Texas, on September 29, 1976.

Doc. No. 765122     Raymond W. Vowell  
                         Commissioner  
                         State Department of Public  
                         Welfare

Proposed Date of Adoption: November 4, 1976

For further information, please call (512) 475-4601.

## Support Documents 326.50.99

The Department of Public Welfare proposes to amend Rules 326.50.99.001-.002 which contain the payment rates for Aid to Families with Dependent Children (AFDC) foster care. The purpose of these amendments is to change the payment rates.

Written comments are invited and may be sent to Susan Johnson, Administrator, Systems and Procedures Bureau-- 477, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

These amendments are proposed under the authority of Article 695c, Texas Civil Statutes.

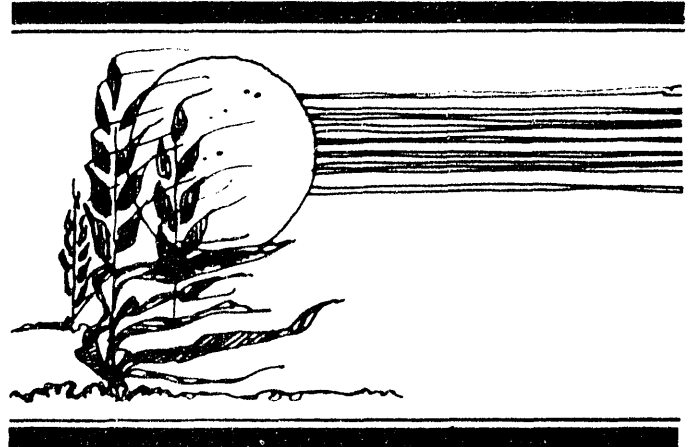
### .001. AFDC Foster Care Payment Rates for Normal Care.

(a) A standard rate of **\$4** [\$3] per day is paid for [eligible] children, *ages birth through nine years*, [who require normal care] in a [DPW] foster *family* home or foster *group* home [of an approved child-placing agency]. *A standard rate of \$5 per day is paid for children, ages 10 to 18 years (or 21 years if still in school), in a foster family home or foster group home.*

(b) A standard rate of **\$6** [\$5] per day is paid for [eligible] children *in an approved, non-exclusive*, [who require normal care in approved] child-caring *institution* [institutions].

### .002. AFDC Foster Care Payment Rate for Exceptional Care.

(a) *A standard rate of \$5 per day is paid for exceptional care in a foster family home or foster group home. However, if a private, nonprofit, child-caring institution is paid for exceptional care, it must exclusively serve mentally retarded, emotionally disturbed, or physically handicapped children and must be on a list of child-caring institutions approved by DPW to provide exceptional care for children in the AFDC foster care program.*



## Continuing Education

### Policy and Procedures 326.77.01

The Department of Public Welfare proposes the following rules, which contain the department's policies and procedures for the provision of financial assistance to students under Title XX of the Social Security Act. Rule 326.77.01.023 describes a procedure which makes a school liable for fiscal penalties imposed by the Department of Health, Education, and Welfare as a result of DPW's inability to hire or place 90 percent of the students receiving this type of assistance.

These were published as emergency rules in the August 31, 1976, issue of the *Texas Register* so that schools with which the department has graduate and undergraduate contracts could provide financial assistance to eligible students for the coming academic term. The department proposes the rules with the intent of remaining in compliance with recent amendments to federal regulations.

Written comments are invited and may be sent to Susan L. Johnson, Administrator, Systems and Procedures Bureau-- 468, Department of Public Welfare,

John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

These rules are proposed under the authority of Article 695c, Texas Civil Statutes.

*.020. Financial Assistance to Students.*

(a) Direct financial aid to students in an approved program of study is a matchable training expenditure under Section 228.83(a) of Title XX.

(b) The Department of Public Welfare (DPW) has the responsibility of selecting stipend recipients from among the applicants of each school receiving such grants.

(c) From the applicants for stipends selected by the department, the school may accept or reject applicants according to its internal policies and processes.

(d) The school's internal policies and processes of selection and admission must be in written form and be made available to interested applicants and the department. Such policies and processes must be consistent with affirmative action principles of equal opportunity.

(e) The budget for stipends in which the department participates must be part of the proposal submitted to the department, and it must clearly outline the level and duration of all stipends.

(f) Student stipends granted from Title XX funds may normally be granted for a maximum of two academic years for any student and are to be granted only to upper division (junior and senior) undergraduate students and graduate students. Exceptions may be granted only to fulfill special manpower needs of the department.

(g) The preparation, distribution, and administration of stipend checks to students is the responsibility of the school.

(h) Student recipients of stipends shall have a legally binding commitment to seek employment with the department (or other Title XX eligible agency) for a period of time at least equal to the period for which financial assistance was provided.

(i) The maximum amount of student stipend is \$200 per month. The amount paid for partial months at the beginning and end of school terms is prorated on the basis of a 30-day month.

(j) The department may draw up such other policies as necessary on a continuing basis to respond to changing fiscal and administrative demands.

(k) The school through which the stipend is awarded must make provisions for following up the student to determine the student's post-graduate employment experience. A report on the employment status of each stipend student will be submitted in writing by the school to the department nine months following the individual's graduation date.

(l) The department does not guarantee continuance of stipends from year to year and may withdraw from participation when dictated by policy restrictions

or lack of availability of funds from the Department of Health, Education, and Welfare.

*.021. Student Selection Criteria and Procedures.*

(a) Student applicants for support stipends funded through the department by Title XX must meet the following criteria in order to be selected for consideration:

(1) The student must not be in any category of scholastic discipline for poor academic performance at the time of application.

(2) Placement of the student in such an academic disciplinary category by appropriate school authorities and processes constitutes cause for withdrawal of support.

(3) The student must be academically prepared and committed to pursue a course of study directed toward work in a Title XX eligible agency.

(4) Preference will be given to students whose past course work can be described as consistent with (3) above.

(5) The student must be willing, if selected by the department and accepted by the school, to sign a legally binding agreement to work for the department (or other Title XX eligible agency) for a period of time at least equal to the period for which financial assistance was provided.

(6) Student financial need will be considered as a factor in selection of students to receive stipends. Documentation of financial need will be maintained in appropriate school records. Preference will be given to those applicants with limited financial resources.

(7) Affirmative action principles will be utilized in selection of students to receive stipends.

(b) The procedure for awarding student stipends should include the following steps:

(1) The availability of Title XX student support stipends should be announced by the school and the process for receiving applications established.

(2) From the applications received, eligible students will be selected by State Department of Public Welfare officials by screening with the student selection criteria given in (a) of this rule.

(3) This selection process may be conducted on-site at the school or at the Department of Public Welfare offices as designated by department officials.

(4) From the eligible students so selected, the school may accept and award Title XX support stipends in a manner consistent with its internal policies and practices related to student support.

(5) Documentation of the selection process should be maintained by the school for audit purposes.

(6) Three copies of the Agreement to Seek Employment will be signed: one is for school records; one is to be forwarded to the Coordinator, University Programs and Contracts, Department of Public Welfare; and one is kept by the student.



**.022. Agreement to Seek Employment.**

(a) A student recipient of a stipend must agree to seek employment with the State Department of Public Welfare (or such other Title XX eligible agency as the department may identify) upon graduation from the program for which he or she received financial support.

(b) The student must agree that if so employed he or she will continue in employment for a period of time at least equal to the period of time for which financial support was received.

(c) The student must apply for such employment within six months after graduation and must inform the school immediately upon securing employment of any type.

(d) If the student fails to seek and/or accept employment with the State Department of Public Welfare (or other identified Title XX agency), he or she will be required to repay the full amount of money received as financial support within 18 months of graduation.

(e) If the student voluntarily discontinues employment with the department (or other identified Title XX agency) before fulfilling the terms of his or her obligation, he or she will be required to repay the appropriate *pro rata* share of the financial assistance received.

(f) The agreement is not a guarantee of employment. The student is subject to the rules and selection requirements of the Merit System Council of the State of Texas and the availability of positions for which he or she is qualified.

**.023. FFP Adjustment Procedure.**

(a) Section 228.83(b) of Title XX requires that a downward adjustment be made in Federal Financial Participation (FFP) for financial assistance to students preparing for employment if less than 90 percent of those students fail to report or fail to secure employment in accordance with applicable regulations.

(b) The following procedure is established to ensure that an equitable adjustment will be made in the FFP of only those schools in which 10 percent or more of the students fail to report or be hired.

(1) The "average cost incurred per student" is computed by dividing the total actual costs for all student support by the number of students required to report to work.

(2) The difference in the number of students required to report and the number who actually report is multiplied by the "average cost incurred per student" to give the "total FFP adjustment."

(3) The actual percentage of the deficit attributable to each school is calculated and multiplied by the total FFP adjustment to give the school's gross FFP adjustment.

(4) The gross FFP adjustment is multiplied by 75 percent (to account for the federal match rate) to arrive at the net FFP reduction to the school.

(c) Any change in federal regulations which removes the 90-percent employment requirement will automatically void these rules, except for any penalties imposed during the period that these rules are in effect.

(d) These rules anticipate the possibility of retroactive adjustments on the institutions' stipend funding as far back as June 30, 1976.

Issued in Austin, Texas, on September 29, 1976.

Doc. No. 765123      Raymond W. Vowell  
 Commissioner  
 State Department of Public  
 Welfare

Proposed Date of Adoption: November 4, 1976

For further information, please call (512) 475-4601.

## Day Care Licensing Standards for Child-Placing Agencies (Day Care Only) 326.90.01

The Department of Public Welfare proposes the following rule as an addition to its Standards for Child-Placing Agencies (Day Care Only). The rule contains a definition of that type of agency as given in state law and as used by the department's Licensing Division in its regulatory activities. All other sets of standards currently contain the applicable facility or agency definition.

Written comments are invited and may be sent to Susan L. Johnson, Administrator, Systems and Procedures Bureau-- 425, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

This rule is proposed under the authority of Article 695a-3, Texas Civil Statutes.

**.013. Definitions.**

(a) Child-Placing Agency (Day Care Only): A person other than the natural parents or guardian of the child who plans for the placement of or who places a child in an agency home for less than 24 hours a day.

Issued in Austin, Texas, on September 24, 1976.

Doc. No. 765011      Raymond W. Vowell  
 Commissioner  
 State Department of Public  
 Welfare

Proposed Date of Adoption: October 31, 1976

For further information, please call (512) 475-4601.



## 24-Hour Care Licensing

### Standards for Halfway Houses 326.91.05

The Department of Public Welfare proposes to amend Rule 326.91.05.029 by the addition of the age restriction "15 years of age or older" for residents in care at halfway houses. This is to bring the facility definition contained in the rule into clearer alignment with the current rule about admissions policies, which prohibits admission to a halfway house of a child under 15 years of age. Written comments are invited and may be sent to Susan L. Johnson, Administrator, Systems and Procedures Bureau-- 425, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

This rule is one of several DPW rules being printed in the *Texas Register* in installments. The proposed date of adoption, which is October 31, 1976, is based on the October 1, 1976, publication date, when notice of proposed rulemaking in these categories was given.

The amendment is proposed under the authority of Article 695a-3, Texas Civil Statutes.

#### 029. Definitions.

(a) A halfway house is a child-caring institution which serves as a transitional living facility for no more than 24 individuals, **15 years of age and older**. It provides therapeutic group living and training designed to produce changes in residents' social behavior and ability to function independently within the community. Residents engage in meaningful activities within the facility during the remaining hours.

Issued in Austin, Texas, on September 24, 1976.

Doc. No. 765012      Raymond W. Vowell  
                                  Commissioner  
                                  State Department of Public  
                                  Welfare

Proposed Date of Adoption: October 31, 1976

For further information, please call (512) 475-4601.

## General Licensing Procedures

### Definitions 326.92.11

The Department of Public Welfare is proposing simultaneously several related subcategories of new rules, which, when taken together, form a body of general child care licensing procedures and the basis for the *General Licensing Handbook* described in Proposed Rule 326.92.15.001. The following proposed rules are part of this effort. Effective July 1, 1976, the department adopted on an emergency basis eight rules which set forth fundamental licensing procedures to

serve until permanent, comprehensive ones can be adopted.

Because of the length of the text, the rules are being printed in the *Texas Register* in installments. The proposed date of adoption, which is October 31, 1976, is based on the October 1, 1976, publication date, when notice of proposed rulemaking was given.

The department's Licensing Division is responsible for the regulation of child care facilities, child-placing agencies, and the licensing of administrators of child-caring institutions in the state.

Texas' Child Care Licensing Act of 1975 required that new licensing rules replace previously existing ones effective January 1, 1976. Standards for licensed child care facilities were filed with the secretary of state as emergency rules on that date and since have been filed as permanent rules. The following rules define some basic terms and concepts as they are used throughout child care licensing standards, policies, and procedures. Their adoption would help ensure clarity and consistency in understanding and applying all licensing rules.

Written comments are invited and may be sent to Susan L. Johnson, Administrator, Systems and Procedures Bureau-- 425, Department of Public Welfare, John H. Reagan Building, Austin, Texas 78701, within 30 days of the publication of this *Register*.

A public hearing to consider these and related proposed rules has been scheduled for October 8, 1976, at 9 a.m., in Room 105 of the John H. Reagan Building, Austin. Those wishing to make oral comments may do so at the hearing or may attend one of the public meetings listed below. All of the meetings begin at 9 a.m.

#### **Abilene**

Abilene Civic Center, large meeting room  
 October 21, 1976

#### **Amarillo**

Amarillo Psychiatric Pavillion, 7201 Evans Boulevard  
 October 29, 1976

#### **Arlington**

Ramada Inn, 700 East Lamar  
 October 20, 1976

#### **Beaumont**

First Federal Savings and Loan, 4290 Highland Avenue  
 October 13, 1976

#### **Corpus Christi**

Bank and Trust Co., Community Room, 615 Upper  
 North  
 October 12, 1976

#### **El Paso**

Wyatt's Cafeteria at Bassett  
 October 27, 1976

## **Houston**

University of Houston, Hercules Room, Continuing  
Education Building  
October 14, 1976

## **Lubbock**

South Plains Electric Co-op, 110 North Amarillo  
Boulevard  
October 28, 1976

## **Midland**

Community National Bank, 2301 West Wall  
October 26, 1976

## **San Antonio**

Fair Avenue Apartments, 1215 Fair Avenue  
October 22, 1976

## **Texarkana**

South West Center, Highway 67 West  
October 19, 1976

These rules are proposed under the authority of Article 695a-3, Texas Civil Statutes.

### *.001. General Definitions.*

(a) Application: the application form plus the documentation required by the appropriate set of minimum standards.

(b) Certification: the regulation of state-operated child care facilities and child-placing agencies.

(c) Child: a person under 18 years of age.

(d) Child-caring institution: a child care facility which provides care for more than 12 children for 24 hours a day.

(e) Complaint: the expression of dissatisfaction regarding a licensed, certified, or registered facility. This includes alleged violations of minimum standards by an applicant/licensee. It also includes any neglect, abuse, or lesser mistreatment of children in a facility whether it is licensed, registered, certified, or has a pending application. A report of an unregulated, operating facility is not considered to be a complaint.

(f) Department: the Texas State Department of Public Welfare.

(g) Division: the Licensing Division of the State Department of Public Welfare.

(h) Licensing: the regulation of child care facilities and child-placing agencies.

(i) Parent: the person who has primary legal responsibility for a child, including a parent, managing conservator, or legal guardian.

(j) Person: an individual, a public or private agency, an association, or a corporation.

(k) Public advertising: any notice given in a manner to attract public attention. Examples of public advertising are newspapers, circulars, handbills, radio, television, public announcements to a group, signs, or notices on bulletin boards.

(l) Registration: the regulation, on a self-certification basis, of certain family homes for day care.

(m) Regulation: the division's activities concerning the licensing, certification, and registration of child care facilities and child-placing agencies. The activities include the inspection of facilities and agencies and the enforcement of the Child Care Licensing Act and of standards promulgated under the act.

(n) Related child: a child, step-child, grandchild, brother, sister, step-brother, step-sister, niece, or nephew by marriage, blood, or adoption.

(o) State-operated facility: any child care facility or child-placing agency that is operated by a state agency. This definition does not include facilities operated by political subdivisions of the state, such as cities, counties, community-based Department of Mental Health and Mental Retardation (MH/MR) programs, or independent school districts.

(p) Suspension period: the period of time during which the licensee may not have children in care at the facility.

(q) Variance: authorized deviation from the specifics of a standard for good and just cause.

(r) Waiver: authorized exemption of a facility from meeting a particular standard for economic reasons.

### *.002. Definitions of Abuse and Neglect.*

(a) Abuse: non-accidental infliction or threat of infliction of physical injury or emotional or mental damage to a child by a person responsible for the child's health or welfare. Abuse can also involve the withholding of needed care for the child. Abuse is usually corroborated by medical, psychiatric, or psychological personnel. Examples of abuse include burns, fractures, bruises, welts, sprains, exploitation, confinement, poisoning, exposure, starvation, malnutrition, sexual abuse, and withholding of needed medical attention. Exploitation of a child exists when the child is forced or unduly encouraged to participate in activities detrimental to his or her well-being, such as begging, stealing, exposure to immoral or degrading circumstances, inappropriate role responsibilities, and working too hard for too many hours. Sexual abuse of a child exists when any sexually oriented act of practice by a person responsible for the child threatens or harms the child's physical, emotional, or social development. Examples of sexual abuse include fondling, sexual intercourse, sexual stimulation, sodomy, incestuous family relationships, and rape.

(b) Neglect: depriving a child of living conditions which provide the minimally needed physical and emotional requirements for life, growth, and development by a person responsible for the child's health or welfare, such as inadequate food, housing, or clothing; lack of

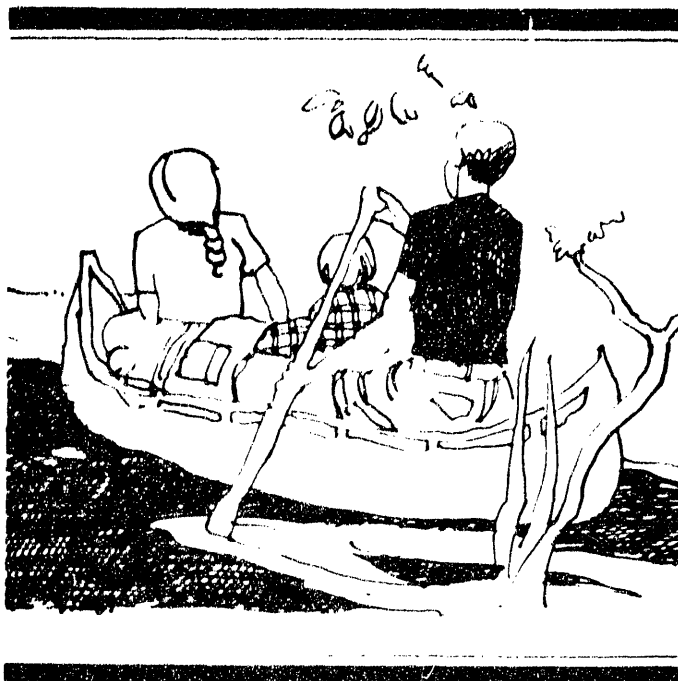
needed medical attention; abandonment; lack of supervision or guidance; and unmet educational needs.

Issued in Austin, Texas, on September 24, 1976.

Doc. No. 765013      Raymond W. Vowell  
 Commissioner  
 State Department of Public  
 Welfare

Proposed Date of Adoption: October 31, 1976

For further information, please call (512) 475-4601



### Organization and Administration 326.92.12

The following proposed rules state the basic responsibilities of the Licensing Division and outline the purpose and composition of the State Advisory Committee on Child Care Facilities.

These rules are proposed under the authority of Article 695a-3, Texas Civil Statutes.

#### .001. *Activities and Responsibilities of the Licensing Division.*

(a) The Licensing Division of the State Department of Public Welfare is responsible for the regulation of child care facilities, child-placing agencies, and the licensing of administrators of child-caring institutions in the state of Texas.

(b) By state law, the Licensing Division has the responsibility of licensing, certifying, or registering child care facilities and child-placing agencies. The Licensing Division regulates facilities by promulgating and enforcing minimum standards.

#### .002. *State Advisory Committee on Child Care Facilities.*

(a) By state law, the State Advisory Committee on Child Care Facilities is composed of 15 members appointed by the Commissioner of Public Welfare to serve for terms of two years. The advisory committee is to review Licensing Division rules, regulations, and minimum standards relating to child care facilities and child-placing agencies. The advisory committee also advises the department and the Licensing Division on problems of child care facilities and child-placing agencies. The Child Care Licensing Act requires that the advisory committee must receive and review the annual report of the Licensing Division.

(b) By law, the members of the advisory committee must represent the following groups:

- (1) Parents, guardians, or custodians of children using child care facilities;
- (2) Child advocacy groups;
- (3) Operators of facilities;
- (4) Experts in professional fields related to child care and development.

(c) Notices of the meetings of the advisory committee are posted in the *Texas Register*, and the meetings are open to the public as required by law.

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Doc. No. 765014      Raymond W. Vowell  
 Commissioner  
 State Department of Public  
 Welfare

Proposed Date of Adoption: October 31, 1976

For further information, please call (512) 475-4601.

### Departmental Licensing Functions 326.92.13

The following proposed rules describe the procedure for development of licensing standards and define the regulatory and consultative functions of the Licensing Division. These serve as a framework for the application of standards.

These rules are proposed under the authority of Article 695a-3, Texas Civil Statutes

#### .001. *Development of Standards.*

(a) The department reserves the right to modify or eliminate any of the steps that are described in this rule that are not required by law for the development of standards.

(b) By state law minimum standards and rules and regulations are reviewed by the advisory committee. A copy of the proposed minimum standards is sent to each licensee covered by them at least 60 days prior to the effective date of the standards. This enables the

licensees to review the proposed standards and make written suggestions to the department.

(c) By state law, as proposed rules, proposed minimum standards must be published in the *Texas Register*. Written and oral comments from the public must be considered and, if requested, answered in writing within 30 days of the adoption of minimum standards as rules.

(d) The Licensing Division, state office, generally begins with a basic document that may be an existing set of minimum standards, an adaptation, or an entirely new draft. The first drafts are developed with the aid of committees composed of licensing representatives, licensing supervisors, or state supervisors and other program staff in licensing and other divisions.

(e) The draft is then usually presented to an ad hoc committee selected by the Licensing Division for comment and suggestion. The ad hoc committee can be composed of providers of child care; professionals in the field of child care; officials from other agencies, such as the Texas Department of Health Resources, the State Fire Marshal's Office, and the Central Education Agency; Licensing Division staff; staff from other divisions of the department; and members of the State Advisory Committee on Child Care Facilities.

(f) On the basis of the recommendations of the ad hoc committee, a new draft is prepared. The draft is presented for departmental approval and for review by the State Advisory Committee on Child Care Facilities and then sent for 60-day public review. The proposed rules are concurrently published in the *Texas Register*.

(g) All written and oral comments received during the 60-day review period are analyzed for possible changes in the final set of standards. Public hearings may be held on all proposed sets of standards as provided in the Administrative Procedure and Texas Register Act. When the final set of standards has received administrative approval, it is presented to the Board of Public Welfare for adoption. If adopted, the standards are submitted to the secretary of state for publication in the *Texas Register*, to become effective 20 days after filing.

#### .002. Regulatory Administration.

(a) The regulation of facilities and the licensing of the administrators of child-caring institutions is authorized by law to protect the health, safety, and well-being of the children in care.

(b) After a license/certificate is granted, the Licensing Division enforces standards and monitors continued compliance with standards and with the conditions of the license/certificate.

(c) The registration of family homes is based on self-certification by the care giver. The care giver must certify that his or her home meets standards. The care giver must also provide copies of standards to parents

so that they may evaluate the home on an on-going basis.

#### .003. Regulatory Assistance.

(a) Regulatory assistance is departmental assistance which helps a child care facility or child-placing agency meet and maintain minimum standards for licensing or certification. The Licensing Division offers regulatory assistance during the licensing process and during on-going supervision.

(b) Reasonable compliance.

(1) The Child Care Licensing Act speaks specifically to reasonable satisfaction of all requirements only in the context of the issuance of a license. The concept of reasonably satisfying all licensing requirements, or reasonable compliance, may be used in all aspects of the regulatory function when appropriate. In all other department rules about general licensing procedures, when the word "compliance" is used it can be understood to mean reasonable compliance as defined by this rule.

(2) The concept of reasonable compliance may be applied by the Licensing Division when there is a minor or temporary deviation from the usual or customary method of compliance with a standard. Where the method of compliance with a standard is specific and concrete, the temporary nature of the deviation must be emphasized. Where the method of compliance with a standard is not specific and concrete, the Licensing Division must determine whether the mode of compliance adopted by the facility is sufficiently different from the customary mode of compliance to warrant the necessity of a request for a variance if the mode of compliance is to be continued.

#### .004. Consultation.

(a) The department is mandated by the Child Care Licensing Act to offer assistance to child care facilities and child-placing agencies to help them achieve programs of excellence related to the care of the children served. This type of assistance is called consultation.

(b) The department offers consultation to potential applicants, applicants, licensees, holders of certification, and to potential and actual users of facilities through the Social Services Branch. The department also makes appropriate referrals to community consultants in fields related to child care.

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Doc. No. 765015      Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

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For further information, please call (512) 475-4601.

## Exemptions from Licensing 326.92.14

The following proposed rules list those types of child care facilities and arrangements that are exempt from licensing by the department. Most are exempt by law.

These rules are proposed under the authority of Article 695a-3, Texas Civil Statutes.

**.001. Exempt Facilities.** According to the Child Care Licensing Act, the types of child care facilities that are exempt from licensing are:

(a) State-operated facilities. However, state-operated facilities must be certified as meeting minimum standards.

(b) Agency homes which are used only by a licensed child-placing agency and which must be certified as meeting minimum standards by the child-placing agency.

(c) Facilities in which the parents of the children in care are on or near the premises. Examples are child care services offered by shopping centers and bowling alleys. Child care programs provided by organizations or on the premises where the parent is gainfully employed or enrolled as a student remain subject to licensing.

(d) Religious institutions offering such programs as Sunday school, retreats, weekly catechism, or other schools or classes for religious instruction.

(e) Schools or classes for religious instruction conducted during the summer months for not more than two weeks, usually called "vacation Bible schools."

(f) Facilities licensed as youth camps by the Texas Department of Health Resources.

(g) Hospitals licensed by the Texas Department of Mental Health and Mental Retardation or by the Texas Department of Health Resources. This includes the state schools which are subject to the ICF-MR standards and nursing and maternity homes providing care for minors and licensed by the Department of Health Resources. This does not include day-care facilities operated by or on the premises of such hospitals.

(h) Facilities that operate primarily for educational purposes in grades kindergarten and above and are accredited as schools by the Central Education Agency or the Southern Association of Colleges and Schools.

(i) Facilities that operate solely for education purposes and that meet the following criteria:

(1) consist of grades kindergarten through at least grade two;

(2) do not provide custodial care for more than one hour during the hours before or after the customary school day; and

(3) are members of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to

those required by state, municipal, and county health, safety, fire, and sanitation codes.

(j) Kindergarten or preschool educational programs operated as part of the public schools of Texas or of private schools that offer educational programs through grade six accredited by the Central Education Agency that do not provide custodial care during the hours before or after the customary school day.

(k) Registered family homes. Registration is a procedure separate from licensing.

**.002. Other Exempt Child Care Arrangements.** In addition to the statutory exemptions, the department considers the following types of child-care arrangements to be exempt from licensing:

(a) Recreational programs. Programs designed primarily to provide recreation or to teach skills that are not a part of the usual school, kindergarten, or nursery program, such as dancing and arts and crafts classes, are not subject to regulation by the department. Such programs include, but are not limited to, those offered by the Young Men's Christian Association, the Young Women's Christian Association, the Boy Scouts of America, and the Girl Scouts of America. In order to be exempt, the above activities must constitute the primary purpose of the program.

(b) Those in which the program operates for less than 24 hours per day and for two days per week or less, such as those usually called "mother's day out" programs.

(c) Those operated on or by federal installations, such as those on military bases or Indian reservations.

Issued in Austin, Texas, on September 24, 1976.

Doc. No. 765016

Raymond W. Vowell  
Commissioner  
State Department of Public  
Welfare

Proposed Date of Adoption: October 31, 1976

For further information, please call (512) 475-4601.

## General Licensing Handbook 326.92.15

The following proposed rules give the purpose of the *General Licensing Handbook* and the process for revising it in accordance with state laws.

These rules are promulgated under the authority of Article 695a-3, Texas Civil Statutes.

**.001. Purpose and Availability.**

(a) The purpose of the *General Licensing Handbook* is:

(1) to provide policies and procedures to child care licensing staff to carry out the Licensing Division's

regulatory responsibilities under the Child Care Licensing Act; and

(2) to inform the public of the Licensing Division's policies and procedures.

(b) A copy of these procedures is available in all licensing offices for review.

*.002. Revisions.*

(a) Changes in the licensing procedure and any interpretations of the procedures are made in accordance with the Child Care Licensing Act and the Administrative Procedure and Texas Register Act. Licensing staff, those regulated by the division, and the public are encouraged to recommend changes to improve the administration of child care licensing.

(b) If the public and those regulated by the division wish to recommend changes to this handbook or the minimum standards, they should submit a Request for DPW Rulemaking to the department. Copies of the form are available at department offices throughout the state.

Issued in Austin, Texas, on September 24, 1976.

Doc. No. 765017      Raymond W. Vowell  
                                  Commissioner  
                                  State Department of Public  
                                  Welfare

Proposed Date of Adoption. October 31, 1976

For further information, please call (512) 475-4601.

## Texas Water Quality Board

### Regionalization

#### Cypress Creek Watershed 130.02.03

The Texas Water Quality Board is proposing to repeal Rules 130.02.03.002-.015, pertaining to regionalization in the Cypress Creek Watershed.

The reason for the proposed repeal of Rules 130.02.03.002-.015 is due to the fact that the Texas Water Quality Board has accepted the resignation of Gulf Coast Waste Disposal Authority as the regional entity to administer these rules. At this time the Texas Water Quality Board has not considered nor has it appointed a new regional entity.

Comments on the proposed repeal of Rules 130.02.03.002-.015 may be submitted in writing to Larry Soward, Hearings Division, Texas Water Quality Board, P.O. Box 13246, Capitol Station, Austin, Texas 78711.

The proposed repeal to Rules 130.02.03.002-.015 and any comments received will be presented to the Texas Water Quality Board for final adoption at its regular meeting at 9 a.m. on November 18, 1976, in Room 118 of the Stephen F. Austin State Office Building, 1700 North Congress, Austin.

Pursuant to the authority of Section 21.072 of the Texas Water Code, Vernon's Annotated Texas Statutes, the Texas Water Quality Board is proposing to repeal Rules 130.02.03.002-.015, which read as follows:

*.002. Designation of Area-Wide System.* In light of the existing and reasonably projected development within the Cypress Creek Watershed in Harris County, Texas, which, for purposes of this order, includes Cypress Creek as well as that portion of Spring Creek downstream from the confluence with Cypress Creek, the watershed is designated as an area wherein it is necessary to the health, safety, and welfare of the people to implement the state policy to encourage and promote the creation and use of a regional and area-wide waste collection, treatment, and disposal system to serve the waste disposal needs of the citizens of that area and to prevent pollution and maintain and enhance the quality of the water in the state.

*.003. Designation of Responsible Entity.* The San Jacinto River Authority is designated as the entity responsible for the planning, construction, and operation of a regional system for the area, and that the regional system proposed to be developed by the San Jacinto River Authority is designated as the system which will provide waste disposal services to the area. All waste discharges within the Cypress Creek Watershed will be regulated in the following fashion.

*.004. Regulation of Discharges.*

(a) Waste discharges which were authorized by Texas Water Quality permits granted prior to the adoption of this order:

(1) All such permittees will receive, by certified mail, a copy of this order.

(2) All such permittees are placed on notice of the contents of this order and are further placed on notice that the board will at a future date initiate necessary procedures under Section 3.29 of the Texas Water Quality Act leading to the connection to the regional system of the systems covered by those permits.

(3) All such permittees are further placed on notice that it is the intention of the board not to grant any amendments to any existing permit so as to increase the maximum discharge volume provided in such permit unless the operation of the expanded system is compatible with the authority's regional plan and contractual arrangements have been made which will insure its timely connection to the regional system.

(b) Waste discharges for which permit applications were submitted prior to the adoption of this order. In these cases, no permits shall issue unless:

(1) The applicant has assigned its interest in the permit application to the San Jacinto River Authority and has filed with the board all documents necessary to allow the permit to be issued to the authority, and

(2) the applicant and the San Jacinto River Authority have entered into contracts approved by the executive director of the Texas Water Quality Board for the planning, construction, and operation by the authority of the system covered by the permit and for participation by the applicant in the planning, construction, and operation of the authority's regional system, provided, however, that the board may in its discretion issue the permit to the authority conditional upon subsequent execution of such contracts, and construction and operation of the system may commence if the applicant and the authority advise the board in writing that the terms of such contracts have been substantially agreed upon by representatives of the parties subject only to the formalization of terms and the obtaining of necessary authorization for the execution of the contracts, and that any election necessary to the authorization of the contracts, and the levying of taxes have been called for a date within 45 days. In the event that the permit is issued and the election necessary to the authorization of contracts and the levying of taxes fails, no connections, or no additional connections, shall be made to the system. In the event that all contracts necessary to the planning, construction, and operation by the authority's regional system have not been approved and executed within 90 days after the date of issuance of the permit, such permit shall be subject to revocation by the board.

Permits authorized under this provision are intended to prevent or mitigate the economic hardships which could result from the delay of development progress during the period within which the various applicants are negotiating contracts with the San Jacinto River Authority. This action is in no way intended to jeopardize or impede the ultimate execution of these contracts.

(c) Waste discharge permit applications received after the effective date of this order. In the case of these applications, the following policies shall apply:

(1) Except as set forth in (2) below, no permits for waste discharges will be issued to any entity other than the San Jacinto River Authority. No permit shall be issued to the San Jacinto River Authority unless contracts have been entered into, or other satisfactory arrangements have been made, for the construction and operation by the authority of the system covered by the permit, and for participation in planning, construction, and operation of the authority's regional system.

(2) In recognition of the fact that some time will be needed to get the authority's program operative, the six-month period following the adoption of this order is designated as a grace period during which applications for permits may be processed in the manner provided in Rule .004(b).

.005. *Applicability to Industrial Wastes.* In view of the fact that the impetus of this order is directed primarily at the control of municipal or domestic wastes, this order shall not be applied immediately to industrial and other classifications of wastes, but each waste discharge of this nature will be reviewed on an individual basis to ascertain the applicability of the order. Where applicable, the order shall be fully enforced as to any type of wastes.

.006. *Sampling and Monitoring Program.* The executive director shall initiate a water quality sampling and monitoring program designed to evaluate the impact of waste discharges from residential and other development on the waters of Cypress Creek and Lake Houston. This program shall be conducted in conjunction with the San Jacinto River Authority and shall give primary consideration to the critical usage of the waters of the San Jacinto River and of Lake Houston as a major source of a potable water supply.

.007. *Development of Septic Tank Ordinances.* The executive director in conjunction with the San Jacinto River Authority shall undertake the development of appropriate septic tank ordinances or regulations for the Cypress Creek Watershed.

.008. *Engineering Study, Plans and Specifications, Contractual Instruments, and Design Criteria.* By the adoption of this order, the San Jacinto River Authority, subject to the availability of funds, is directed to proceed, as expeditiously as possible, with the following:

(1) the undertaking of an engineering study to provide a conceptual basis for the regional system and the submission of the results of the study to the Texas Water Quality Board;

(2) the preparation of plans and specifications for the regional system and the submission of this date to the Texas Water Quality Board;

(3) the preparation of contractual instruments necessary to implement the regional system and the initiation of a program designed to bring about the execution of these contractual documents;

(4) the preparation and dissemination of design criteria to be applicable to the construction of new waste treatment facilities within the Cypress Creek Watershed.

.009. *Distribution of Order.* This order will be distributed to all existing permittees as set forth in the order, to all pending applicants, and to all other persons



or entities who, in the judgment of the executive director, may be affected by this order.

.010. *Designation of Responsible Entity.* The Gulf Coast Waste Disposal Authority is designated as the entity to provide regional or area-wide system(s) to serve the waste collection, treatment, and disposal needs of the people within the Cypress Creek Watershed.

.011. *Assumption of Duties.* The Gulf Coast Waste Authority will fully assume those duties previously assigned to and performed by the San Jacinto River Authority under the terms and conditions of Texas Water Quality Board Order 69-54.

.012. *Transfer of Agreements.* All waste control orders held by the San Jacinto River Authority under the terms and conditions of Texas Water Quality Board Order 69-54 will now be held in the name of the Gulf Coast Waste Disposal Authority; and, the waste control orders for those plants within the Cypress Creek Watershed as defined in Texas Water Quality Board Order 69-54 which may be owned and operated by the San Jacinto River Authority will be held in the name of the Gulf Coast Waste Disposal Authority. It is recognized that a transition period will occur whereby the operation and maintenance of plants will be subject to both outstanding agreements and agreements yet to be entered into.

.013. *Transfer of Waste Control Orders.* Subject to the provisions of Texas Water Code Section 21.204, all applications for waste control orders after the date of this order for discharges within the ambit of the Texas Water Quality Board Order 69-54 will be in the name of the Gulf Coast Waste Disposal Authority.

.014. *Submission and Approval of Agreements.* The Gulf Coast Waste Disposal Authority shall submit whatever binding agreements it may enter into with the different entities within the Cypress Creek Watershed for the providing of waste collection, treatment, and disposal services, to the executive director of the Texas Water Quality Board for approval; and, such approval shall be contingent on the reasonableness of the binding agreement within the purview of providing regional system(s) for the area.

.015. *Distribution of Order.* The executive director of the Texas Water Quality Board shall distribute this order to all parties who, in his judgment, may be affected by this order.

Issued in Austin, Texas, on September 28, 1976.

Doc. No. 765131 William E. Berger  
Staff Assistant  
Texas Water Quality Board

Proposed Date of Adoption: November 4, 1976

For further information, please call (512) 475-7856.

## Private Sewage Facility Regulations

### Water Quality Zone Around Lake Granbury Reservoir 130.12.02

The Texas Water Quality Board is proposing to add Rule 130.12.02.016, entitled Schedule of Fees, to the existing subcategory of rules on the water quality zone around Lake Granbury Reservoir. The proposed rule lists the fees to be charged for various septic tank inspections and licensing procedures in the zone.

Public comment on Proposed Rule 130.12.02.016 is invited. Comments may be submitted by telephoning the office of the Texas Water Quality Board at (512) 475-7851, or by writing to Joe O'Neal, Texas Water Quality Board, P.O. Box 13246, Capitol Station, Austin, Texas 78711.

This proposed action is scheduled to be heard before the Texas Water Quality Board at its meeting on November 18, 1976, at 9 a.m., in Room 118 of the Stephen F. Austin Building, 1700 North Congress, Austin.

This rule is proposed under the authority of Section 21.083 of the Texas Water Code, Vernon's Annotated Texas Statutes.

#### .016. *Schedule of Charges for Licensing of Private Sewage Facilities - Lake Granbury.*

(a) Processing application, making field inspections, and evaluating percolation tests for approval of subdivisions for septic tank use (does not include cost of making percolation tests) \$50

(b) Processing application, evaluating percolation tests, and reviewing plans for proposed new facility (does not include costs of making percolation tests or field inspections) \$20

(c) Processing application for transfer of license or for annual renewal of license \$5

(d) Field inspection of new facilities during construction (If more than two visits to the site are required for inspection purposes, there will be an additional charge of \$15 for each additional visit) \$25

(e) Making percolation tests \$20 per set (A "set" of percolation tests means the number of tests, up to six, made at one time in connection with a single private sewage facility) or, if authority has tests made by engineering firm, engineering firm's charge.

Issued in Austin, Texas, on September 28, 1976.

Doc. No. 765134 W. E. Berger  
Staff Assistant  
Texas Water Quality Board

Proposed Date of Adoption: November 4, 1976

For further information, please call (512) 475-7851.



### Cypress Creek Watershed 130.12.03

The Texas Water Quality Board proposes to repeal Rules 130.12.03.002-.014 pertaining to private sewage facility regulations for the Cypress Creek Watershed.

The reason for the proposed repeal is the Texas Water Quality Board has accepted the resignation of the San Jacinto River Authority as the licensing authority for private sewage facilities in the Cypress Creek Watershed. At this time a new licensing authority has not been considered or appointed.

Comments on the proposed repeal of Rules 130.12.03.002-.014 may be submitted in writing to Joe O'Neal, Hearings Division, Texas Water Quality Board, P.O. Box 13246, Capitol Station, Austin, Texas 78711.

The proposed repeal of Rules 130.12.03.002-.014, as well as any comments received, will be presented to the Texas Water Quality Board at its regular meeting on November 18, 1976, 9 a.m., in Room 118 of the Stephen F. Austin State Office Building at 1700 North Congress Avenue, Austin.

Pursuant to the Authority of Section 21.083 of the Texas Water Code, Vernon's Annotated Texas Statutes, the Texas Water Quality Board is proposing to repeal Rules 130.12.03.002-.014, which read as follows:

#### .002. Definitions.

(a) "Authority" means the San Jacinto River Authority of Texas.

(b) "Board" means the Texas Water Quality Board.

(c) "Executive Director" means the Executive Director of the Texas Water Quality Board.

(d) "Cypress Creek Watershed" means the area in Harris, Waller, and Montgomery Counties from which surface waters drain into Cypress Creek or into Spring Creek below the confluence of Cypress Creek and Spring Creek.

(e) "Organized Disposal System" means any public or private system for the collection, treatment, and disposal of sewage operated in accordance with the terms and conditions of waste control order from the Texas Water Quality Board.

(f) "Septic Tank" means a vented, watertight tank which serves as a sedimentation and sludge digestion chamber which is placed between the house sewer and the soil absorption field.

(g) "Septic Tank System" means a system for disposing of sewage through soil absorption and consisting of the following components: the house sewer; the septic tank; and the soil absorption field.

(h) "Sewage" means waterborne human or other domestic waste.

(i) "Soil Absorption Field" is the part of a septic tank system consisting of drainage tiles and surround-

ing permeable soil used for the subsurface disposal of septic tank effluent.

(j) "Subdivision" means (1) a subdivision which has been platted and recorded with the county clerk of the county or counties in which the land lies, or which is required by statute to be so platted and recorded; or (2) any four or more contiguous lots or tracts, each of which is less than one acre in size.

.003. *Sewerage Facilities.* No sewerage facilities of any kind may be located within the Cypress Creek Watershed except for those of organized disposal systems authorized by valid waste control orders issued by the Texas Water Quality Board and septic tank systems licensed in accordance with this order.

.004. *Discharge of sewage.* No sewage discharges of any kind may be made in the Cypress Creek Watershed except as follows:

(a) Organized disposal systems. Discharges of sewage may be made into organized disposal systems operating under valid waste control orders issued by the Texas Water Quality Board.

(b) Licensed Septic Tank Systems. Discharges of sewage may be made into septic tank systems licensed in accordance with the provisions of this order.

(c) Other facilities. Sewage may be discharged into other facilities if a special license therefor has been issued by the board.

.005. *Rules Governing Licenses for Septic Tanks in Cypress Creek Watershed.*

(a) No septic tank system or part thereof may be installed or used in the Cypress Creek Watershed unless a license therefor has been issued in accordance with this order.

(b) Except as provided in Rule .005 (d), a subdivision lot which lies wholly or partially within the Cypress Creek Watershed and which has a minimum lot size of less than one acre must be connected to an organized disposal system operating under a valid waste control order issued by the board and may not be served by a septic tank system

A subdivision lot which has a minimum lot size of at least one acre may be served by a septic tank system provided that the executive director finds after appropriate tests and inspections that the nature of the soils and the drainage of the area will permit the use of a septic tank.

(c) A lot or tract located wholly or partially within the Cypress Creek Watershed which is not part of a subdivision may be served by a septic tank system located within the Cypress Creek Watershed, provided the lot or tract in question contains at least 15,000 square feet and the executive director finds after appropriate inspections and tests that the nature of the soils and the drainage of the area will permit the use of a septic tank. In making such determination, the ex-

ecutive director shall consider the location of the property, the proposed use of the property, the proposed location of the septic tank system on the property, the proposed loading of the system, and the probable density of development in the area, together with other relevant factors. No license shall be issued for any septic tank system, and connection to an organized disposal system will be required when any part of the system is closer than 300 feet in horizontal distance to an organized disposal system, unless it is shown to the satisfaction of the executive director that it is not feasible for the organized disposal system to provide service to the tract or lot in question.

(d) The executive director may issue a temporary license for a septic tank for a period not to exceed two years under circumstances otherwise prohibited herein if he finds that the installation of such a septic tank for such a period will not cause pollution or injury to public health.

*.006. Procedure for Obtaining Approval for Planned Septic Tank Subdivisions.* Any developer or other person in interest desiring to create a subdivision using septic tank systems for disposal of sewage shall obtain the executive director's prior approval for such septic tank development. An application for such approval shall be filed with the executive director and shall set forth the name and address of the person making it, the address or location of the subdivision, and a map or plat showing the boundary lines of the subdivision and of the lots within the subdivision, and such soil percolation test results and such other data as may be necessary to permit the determination of the matters required by Rule .007(b). A copy of the application shall be furnished the authority. All soil percolation tests must be certified by a registered professional engineer or soil testing laboratory approved by the authority, and the authority shall be given an opportunity to witness the tests of the soil as they are conducted. The authority shall examine the application and make such additional inspections and tests as the authority shall consider necessary and shall forward the application to the executive director, together with its written recommendation. A copy of the authority's written recommendation shall be furnished the applicant. If the executive director finds that the subdivision has a minimum lot size of at least one acre and the septic tank development would be suitable within the subdivision, he shall so advise the applicant. If the executive director finds that a portion of subdivision is suitable for septic tank development and the remainder is not suitable, he may specify those lots which are found suitable and those which are not found suitable. The executive director's approval of a subdivision, or of a part thereof, for septic tank systems within the subdivision shall be a prerequisite to the filing of an application for a license within a subdivision, and all septic tank systems installed within the subdivi-

sion must be licensed in the manner provided below. Any fees charged by the authority for performance of the functions provided in this paragraph shall not exceed \$5 for each lot in the subdivision.

*.007. Septic Tank License Procedure.* The following procedure shall govern the issuance of licenses for septic tank systems within the Cypress Creek Watershed.

(a) Application forms may be obtained from the offices of the county judge of Harris, Waller, and Montgomery Counties, or from the offices of the authority. The form of the application shall be specified by the executive director. In order to initiate action on application for a license, the completed application must be filed with the office of the authority. The application shall include the name and address of the person making the application, the address or location of the property on which the system is to be built; the legal description and the dimensions of the property; the proposed use of the property, including a description of the structure or structures proposed to be served; the plans for the septic tank system; a plot plan showing the location of the system in relation to boundary lines of the lot; the proposed loading of the system; and the applicant's certificate that the system is designed in accordance with the latest edition of *A Guide to the Disposal of Household Sewage*, as published by the Texas State Department of Health. If the property involved is not part of a recorded subdivision, the application shall be accompanied by a map or aerial photograph of sufficient detail to clearly locate the land on which the system will be constructed, with the location of the system shown thereon.

(b) Within 30 days after receipt of the application, the authority will perform such inspections and tests as it may deem necessary, which may include percolation tests as prescribed in *A Guide to the Disposal of Household Sewage*, a site inspection, and other such tests and inspections as the authority may consider appropriate. As soon as practicable after completion of all inspections and tests, the authority will forward the application to the executive director with its written recommendation. If the executive director approves the application, he shall notify the applicant. If the application is approved, the septic tank system may be constructed in accordance with the plans submitted with the application. If the application is disapproved as submitted, but the executive director is of the opinion that a septic tank system of a different design may be constructed on the property, he shall advise the applicant in writing of the necessary changes.

(c) All septic tank systems shall be constructed in accordance with the plans approved by the executive director, and any deviation from the plans must be approved by the executive director. The construction of the system shall be subject to inspection by the authority at all reasonable times, and upon completion of construction but before the system is backfilled, the

authority shall make a final inspection to insure compliance with this order. The license shall be issued to the applicant by the executive director when advised by the authority that all requirements have been met.

(d) Any fees charged by the authority for the performance of the functions provided in this paragraph shall not exceed \$100 per application.

.008. *Term of License.* Licenses for septic tank systems issued under this order other than temporary licenses issued pursuant to Rule .005(d) shall be effective for a term of 10 years. Licenses may be renewed for successive terms of 10 years if the executive director finds that the lot or tract in question may continue to be served by the septic tank system without causing pollution which may directly or indirectly injure public health. Any license issued under this order shall automatically terminate if there is a subdivision or resubdivision of the property served by the septic tank system, or if the property is used for purpose other than that described in the license, or if the loading of the system is increased beyond that stated in the license. In addition, the executive director may amend, revoke, or suspend any license issued hereunder for good cause shown, to pursuant to Rule 625.3(b)(4).

.009. *Operation and Maintenance.* Septic tank systems licensed under this order shall be operated and maintained in accordance with *A Guide to the Disposal of Household Sewage*, or any subsequent revision thereof. All maintenance or servicing of septic tanks shall be performed by the authority or by servicing organizations approved by the authority.

All wastes removed from septic tank systems must be hauled to an organized disposal system for final disposal. Policies for acceptance of all sewage, sludge, or other waste will be established by the owner of the organized disposal system receiving the wastes. All septic tank systems licensed under this order shall be subject to inspection by the authority at all reasonable times for the purpose of determining compliance with the terms of the license and this order.

.010. *Review.* All actions taken hereunder shall be subject to review by the board. Any person aggrieved by an action of the authority of the executive director under this order may appeal to the board for relief in the manner provided in Rule 600.2 (1970 edition).

.011. *Existing sewage disposal facilities and existing subdivisions.* Septic tank systems existing within the Cypress Creek Watershed as of the date of this order are not required to be licensed hereunder so long as the system is not changed, the loading on the system is not increased from that existing at the date of this order, or there is no subdivision or resubdivision of the property served by the system. This order shall apply to the undeveloped portions of existing subdivisions as well as to

subdivisions which are hereafter developed; however, the board may grant exceptions for existing subdivisions on such conditions as the board may prescribe if it finds that because of partial development prior to the date of this order, it is not feasible to connect the undeveloped portions of the subdivision to an organized disposal system, and that development with septic tank systems will not directly or indirectly injure public health.

.012. *River Authority Designated.* The San Jacinto River Authority and its general manager are hereby designated the agent of the Texas Water Quality Board for purposes of performing the functions specified in this order. The general manager of the authority will make periodic reports to the executive director on actions taken hereunder. Any person owning sewage disposal facilities within the Cypress Creek Watershed shall permit employees of the authority or of the board or make such reasonable inspections of the sewage disposal facilities as may be required to determine whether those facilities comply with this order.

.013. *Effective Date.* This order shall become effective upon the execution by the authority and the board of a cooperative agreement pursuant to Section 5.05 of the Texas Water Quality Act providing for the performance by the authority of the water quality management, inspection, and enforcement functions required to be performed by the authority under this order.

.014. *Severability.* If any provision of this order or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this order which can be given effect without the invalid provision or application, and to this end the provisions of this order are declared severable.

Issued in Austin, Texas, on September 28, 1976.

Doc. No. 765135      William E. Berger  
Staff Assistant  
Texas Water Quality  
Board

Proposed Date of Adoption: November 4, 1976

For further information, please call (512) 475-7851.

## Somerville Reservoir 130.12.15

The Texas Water Quality Board is proposing to amend Rule 130.12.15.013, regarding the schedule of fees charged for private sewage facilities for Lake Somerville.

This proposed amendment would remove the language and fees listed and update the fees charged.

Public comment on Rule 130.12.15.013 is invited. Comments may be submitted by telephoning the office of the Texas Water Quality Board at (512) 475-7851, or by writing to the board at P.O. Box 13246, Capitol Station, Austin, Texas 78711, to the attention of Joe O'Neal.

This proposed amendment is scheduled for consideration before the Texas Water Quality Board at its regular board meeting on November 18, 1976, at 9 a.m. in Room 118 of the Stephen F. Austin State Office Building in Austin.

Amendments to Rule 130.12.15.013 are proposed under the authority of Section 21.083 of the Texas Water Code, Vernon's Annotated Civil Statutes.

.013. *Schedule of Fees.* Schedule of charges for licensing of private sewage facilities for Lake Somerville are:

(a) Processing application, making field inspections and evaluating percolation tests for approval of subdivisions for septic tank use (does not include cost of making percolation tests)——**\$50.00** [\$25.00]

(b) Processing application, evaluating percolation tests and reviewing plans for proposed new facility (does not include costs of making percolation tests or field inspections)——**\$30.00** [\$20.00]

(c) Processing application and making field inspection for licensing of facilities existing before effective date of order——**\$30.00** [\$25.00]

(d) Processing application and making field inspection for transfer of license or for renewal (*every five years*) of license——\$25.00

(e) Field inspection of new facilities during construction (if more than two visits to the site are required for inspection purposes, there will be an additional charge of \$15.00 for each additional visit)——\$25.00

(f) Making percolation tests, **\$20.00 per set\*** [\$5.00 per man-hour required], or if authority has tests made by engineering firm, engineering firm's charges.

\*A "set" of percolation tests means the number of tests (up to a maximum of six) made at one time in connection with a single private sewage facility.

Issued in in Austin, Texas, on September 28, 1976.

Doc. No. 765136      William E. Berger  
Staff Assistant  
Texas Water Quality Board

Proposed Date of Adoption    November 4, 1976

For further information, please call (512) 475-7851

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

An agency, on request, shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling considerations urged against the agency's decision.

**Numbering System--** Each rule is designated by a unique 10-digit number which is divided into four units by decimal points. The first unit (three digits) indicates the agency which promulgates the rule. The second unit (two digits) indicates the category of rules to which the rule belongs. The third unit (two digits) indicates the subcategory of rules, if any, within the category. The fourth unit (three digits) indicates the individual rule.

## Texas Department of Agriculture

### Consumer Services Division

#### Texas Grain Warehouse Rules and Regulations 176.44.22

The Texas Department of Agriculture has adopted amendments to Rules 176.44.22.002, .004, and .005, with no changes from the proposed texts as published in the *Texas Register* on August 27, 1976.

The amendments are adopted under the authority of Article 5577, Texas Civil Statutes.

*.002. Requirements for Changing Positions of Warehouse Grain.* All grain in an elevator must be declared as either receipted grain, open-storage grain, or company-owned grain in the daily position records of each warehouseman. Depositors' grain placed in company-owned grain upon delivery or transferred from receipted grain or open-storage grain to company-owned grain must be preceded by an agreement with the depositor that the ownership of the grain has passed to the warehouseman under one or more of the five following rules:

(a) The depositor or his agent accepts from the warehouseman an inbound scale ticket marked "sold" at the time the grain is delivered to and deposited in the warehouse.

(b) The depositor or his agent accepts from the warehouseman an inbound scale ticket marked "sold now priced later" when grain is delivered to and deposited in the warehouse.

(c) The depositor has agreed to sell grain deposited as open-storage grain to the warehouseman and the warehouseman has agreed to purchase the depositor's grain; whereupon, the warehouseman shall execute, sign, and deliver a confirmation of purchase to the depositor and the depositor shall execute, sign, and deliver a confirmation of sale to the warehouseman, and the copy entitled "State Warehouse Copy" shall be maintained at the warehouse in a file for use of the commissioner. Copies of confirmation of purchase and state warehouse copy shall be maintained in the warehouse records until destruction is approved by the commissioner, and said copies shall be made available as a part of the warehouse records during any duly authorized inspection. In the event the warehouseman and/or the depositor negotiate a sales agreement by telephone, radio, or other forms of communication that prevents his or her presence at the warehouse or an appointed meeting place, the warehouseman shall mail a signed confirmation of purchase and a confirmation of sale to the depositor no later than the close of business the next business day with the title and ownership of the amount of grain specified in the agreement to pass to the warehouseman immediately upon completion of the verbal agreement. The depositor shall sign the confirmation of sale and return same to the warehouseman no later than the next business day after receiving same through the United States mail. The commissioner shall prescribe the form and control the printing of serially numbered confirmations by a similar procedure to that used for warehouse receipts under Section 22 of the Texas Grain Warehouse Laws.

(d) The depositor has surrendered a warehouse receipt or receipts to the warehouseman and sale and purchase confirmations, as described in Section (c), have been exchanged for that part of the depositor's grain that the depositor has agreed to sell.

(e) The depositor has agreed to sell grain deposited in the warehouse to the warehouseman and the warehouseman has agreed to purchase the depositor's grain; whereupon, the warehouseman shall pay the depositor with a valid check and issue the depositor a confirmation of purchase. It shall not be required but shall be permissible that the warehouseman have the depositor sign a confirmation of sale.

*.004. Assigned Successor's Agreement Assuming Outstanding Liabilities.* Before any change of name, sale, or change of ownership of a grain warehouse facility, the purchaser shall execute a successor's agreement with the seller. Such agreement shall provide that all outstanding warehouse storage obligations of the seller are assumed by the purchaser, and evidence of such

successor's agreement shall accompany the purchaser's application to the commissioner for a license. Upon request, the commissioner will furnish a form for the successor's agreement.

.005. *Requirements for Reporting Grain Left in the Open for an Extended Period.* All grain in any open-storage account over six months (180 days) will be receipted by issuance of a Texas grain warehouse receipt to the depositor, or, if not receipted, the depositor will be notified in writing of the status of his open-storage account at that time and every 60 days thereafter.

Issued in Austin, Texas, on September 27, 1976.

Doc. No. 765086     John C. White  
                         Commissioner  
                         Texas Department of  
                         Agriculture

Effective Date    October 17, 1976

For further information, please call (512) 475-4304.

(a) Persons engaged in manufacturing custom-made items out of their own material must collect the sales tax on the total charge to their customers except as modified by (c) below.

(b) Persons engaged in manufacturing custom-made items out of material provided to them by their customers must also collect the sales tax on the total charge to their customers except as modified by (c) below.

(c) Sales tax is not due on the amount charged for installing the item if separately stated on the sales invoice.

Issued in Austin, Texas, on September 27, 1976.

Doc. No. 765124     Bob Bullock  
                         Comptroller of Public Accounts

Effective Date: October 21, 1976

For further information, please call (512) 475-3825.



## Comptroller of Public Accounts

### Tax Administration

Sales Tax Division-- State Taxes  
026.02.20

Under the authority of Article 20.11(A), Title 122A, Texas Civil Statutes, the Comptroller of Public Accounts has adopted Rule 026.02.20.063 to read as follows:

.063. *Custom Manufacturing.* Examples of items covered under this ruling include but are not limited to items custom manufactured by drapery makers, tailors, dress makers, and interior decorators.

## Texas Education Agency

### Teacher Certification

Requirements for Teacher Certificates  
226.62.03.010

The State Board of Education and the Commissioner of Education have amended Rule 226.62.03.010, concerning general requirements for teacher certification.

Public review and discussion of the proposed amendment were held. The amendment was adopted with no change from the text proposed.

This rule is promulgated under the authority of Section 13.034, Texas Education Code.

.010. *General Requirements.*  
Policy

The general requirements for teacher certification, and revisions thereof, shall be: (1) in accordance with law; (2) recommended by the Commissioner of Education; and (3) approved by the State Board of Education.

#### Administrative Procedure

An individual making application for a Texas teacher certificate must:

- (1) be a citizen of the United States or indicate intent to become a naturalized citizen as evidenced by filing a declaration of intent;
- (2) be at least 18 years of age;
- (3) be of good moral character as evidenced by statements of three individuals;

(4) be willing to support and defend the constitutions of the United States and Texas;

(5) have college credit or examination credit in knowledge of the Texas and federal constitutions; and

(6) be able to speak and understand the English language sufficiently to use it easily and readily in conversation and teaching.

Teacher certificates are issued to individuals who meet the above requirements, who complete approved programs at approved Texas institutions of higher learning, and who are recommended for certification by the institution. Exceptions to the recommendation requirements for certain vocational education certificates are identified in Rule 226.62.03.020 and certificates and degrees earned for out-of-state in Rule 226.62.08.010. All credit-hour requirements for certificates are semester hours or their equivalent.

(a) Since the person holding a permanent Texas teacher certificate may be considered to have met the basic requirements for certification, the requirements of professional education shall be considered fully satisfied when the individual has completed at least 12 semester hours of professional education courses of which at least six semester hours are in the area and level of the additional certificate requested.

(b) To be certified to teach on the secondary level, a person shall have at least 24 semester hours in two subjects related to the public secondary school curriculum or at least 48 semester hours in subjects which may be considered as being included in a broad area field.

(c) To be certified on the elementary level, a person shall have at least 12 semester hours in courses specifically designed for teaching subjects in the public elementary school. At least nine semester hours shall be in the basic subjects, such as arithmetic, reading, social studies, and/or science.

(d) To be certified in special education, the individual shall fulfill the specialized requirements of an approved program.

(e) The requirements for additional endorsements may be met by one of the following methods:

(1) completion of an approved teacher education program for the requested certificate;

(2) completion of examination(s) covering the required subject(s) if the institution has an approved examination program.

Issued in Austin, Texas, on September 22, 1976.

Doc. No 765048 M. L. Brockette  
Commissioner of Education

Effective Date: October 14, 1976

For further information, please call (512) 475-7077.

## 226.62.03.020

The State Board of Education and the Commissioner of Education have amended Rule 226.62.03.020 concerning requirements for teacher certification.

Public review and discussion of the proposed rule were held. The amendment was adopted with no change from the text proposed.

This rule is promulgated under the authority of Section 13.034, Texas Education Code.

*.020. Specific Requirements for Teacher Certification by Class and by Level including Areas of Specialization and Endorsements.*

### Policy

The specific requirements for teacher certification by class, by level, with areas of specialization (teaching fields), and endorsements, and revisions thereof, shall: (1) be in accordance with law; (2) recommended by the Commissioner of Education; and (3) approved by the State Board of Education.

### Administrative Procedure

(Note: Rule 226.37.12.010, The Principles and Standards for Accreditation, identifies certificate requirements for the assignment of personnel.)

(a) Elementary certificates.

(a-a) Requirements for a provisional elementary certificate. An applicant must have a bachelor's degree including the following areas:

(1) academic foundations-- approximately 60 semester hours to include 33-36 semester hours in the following areas:

(1-1) English-- 12 semester hours;

(1-2) American history-- six semester hours;

(1-3) Texas and federal constitutions (government)-- two courses for six semester hours or a combined course for three semester hours; and

(1-4) mathematics, science, foreign language-- 12 semester hours in two fields.

(2) academic specialization-- 36 semester hours;

(2-1) 18 semester hours in one subject including nine advanced (junior level or above) and 18 semester hours in a combination of subjects related to the elementary curriculum; or

(2-2) 24 semester hours in one subject, including 12 advanced and 12 hours in a combination of subjects related to the elementary curriculum; and

(3) professional development-- 30 semester hours;

(3-1) 12 hours of advanced professional education;

(3-2) 12 semester hours of advanced specialized content for elementary teaching, such as

reading, arithmetic, language arts, science, social studies; and

(3-3) six semester hours of student teaching (an individual holding a bachelor's degree may substitute six additional hours of advanced education courses and two years of teaching experience at the level of the certificate for the six semester hours of student teaching.)

(a-b) Requirements for a professional elementary certificate. An applicant must have:

(1) provisional elementary certificate;

(2) three years teaching experience;

(3) 30 semester hours of graduate level courses as follows:

(3-1) academic specialization-- 12 semester hours in a subject in which the individual has at least 18 semester hours in an approved undergraduate program for elementary teachers; or 12 semester hours in a combination of subjects included in the public school curriculum.

(3-2) professional development-- 6 semester hours;

(3-3) resource area-- six semester hours which provide background for the academic specialization area or which extend the individual's preparation in a subject matter field other than the academic specialization. (This may include courses in elementary content for elementary teachers.); and

(3-4) electives-- six semester hours in academic specialization, professional development, resource area, or any combination thereof.

(a-c) Areas of academic specialization.

Each elementary certificate identifies the area of specialization in which the individual has completed the minimum requirements. The following lists the areas of specialization for certificates dated after September 1, 1966. The individual must take the minimum number of hours of preparation in the specific area as indicated in the list. Plan I requires that an individual complete a minimum of 18 semester hours, with nine advanced, of courses in the area designated for the field. Plan II requires that an individual complete a minimum of 24 semester hours, with 12 advanced, in an area of course work.

Anthropology	Plan I and Plan II
Art	Plan I and Plan II
Bilingual Education	Plan II
Biology	Plan I and Plan II
Chemistry	Plan I and Plan II
Czech	Plan I and Plan II
Deaf and/or Severely Hard of Hearing	Plan II
Deficient Vision	Plan II
Drama	Plan I and Plan II
Economics	Plan I and Plan II
English	Plan I and Plan II

French	Plan I and Plan II
Geography	Plan I and Plan II
Geology (Earth Science)	Plan I and Plan II
German	Plan I and Plan II
Government	Plan I and Plan II
Guidance Associate	Plan II
Health and Physical Education	Plan I and Plan II
Health	Plan II
History	Plan I and Plan II
Home Economics	Plan II
Industrial Arts	Plan I and Plan II
Life-Earth Middle School Science (Grades 6-8)	Plan II
Mathematics	Plan I and Plan II
Music	Plan I and Plan II
Psychology	Plan I and Plan II
Physical Education	Plan II
Physical Science	Plan II
Physics	Plan I and Plan II
Reading	Plan I and Plan II
Russian	Plan I and Plan II
Sociology	Plan I and Plan II
Spanish	Plan I and Plan II
Special Education Generic	Plan II
Speech	Plan I and Plan II

(b) Junior high and high school certificates.

(b-a) Requirements for provisional junior high or high school certificate. An applicant must have a bachelor's degree including the following areas:

(1) academic foundations-- approximately 60 semester hours, to include 33-36 semester hours in the following areas:

(1-1) English-- 12 semester hours;

(1-2) American history-- six semester hours;

(1-3) Texas and federal constitutions (government)-- two courses for six semester hours or one combined course for three semester hours; and

(1-4) mathematics, science, foreign language-- 12 semester hours in two fields;

(2) academic specialization (teaching field)-- 48 semester hours;

(2-1) 24 semester hours of each of two subjects taught in the Texas public schools, including 12 semester hours advanced in each subject; or

(2-2) 48 semester hours, including 18 semester hours advanced, in a composite field such as social studies, general science, business, English language arts, music, industrial arts, agriculture, home economics, and art;

(3) professional development-- 18 semester hours:

(3-1) 12 semester hours of advanced professional education;

(3-2) six semester hours of student teaching. (An individual holding a bachelor's degree may



substitute for the student teaching six additional semester hours of advanced education courses and two years of teaching experience at the level of the certificate.)

(b-b) Requirements for the professional junior high or high school certificate. An applicant must have:

(1) provisional junior high or high school certificate;

(2) three years teaching experience; and

(3) 30 semester hours graduate-level courses as follows:

(3-1) academic specialization-- 12 semester hours in a subject taught in Texas public schools in which the individual has at least 24 semester hours undergraduate;

(3-2) professional development-- six semester hours;

(3-3) resource area-- six semester hours in courses which provide background for the individual's preparation in a content field other than the academic specialization; and

(3-4) electives-- six additional semester hours in academic specialization, professional development, resource area, or any combination thereof.

(b-c) Teaching Fields (areas of academic specialization). Each junior high and/or high school certificate identifies the teaching fields in which the individual is prepared. The teaching field is the area of academic specialization within which the individual has completed the minimum requirements.

The following lists teaching fields for certificates dated after September 1, 1966. The individual must take the minimum number of semester hours for preparation in the specific field as indicated in the list. Plan I requires that an individual complete a minimum of 24 semester hours of courses in each area designated for the fields. This requires that an individual must complete requirements for two teaching fields. Plan II requires that an individual complete a minimum of 48 semester hours in a broad-fields area of related course work. Plan III requires that the individual complete a minimum of 48 semester hours of academic, nontechnical vocational, course work in the teaching field area. Some exceptions will be found in the vocational-technical certificates where approved work experience is needed for certification.

Agriculture	Plan III
Anthropology	Plan I
Art	Plan I and Plan II
Basic Business	Plan II
Bilingual Education	Plan I
Biology	Plan I
Business	Plan II
Business, General	Plan I
Business, Secretarial	Plan I

Chemistry	Plan I
Chinese	Plan I
Computer Information System	Plan I
Coordinated Vocational Academic Education (CVAE)	Exceptions
Czech	Plan I
Deaf and/or Severely Hard of Hearing	Plan I
Deficient Vision	Plan I
Distributive Education-- Vocational	Plan II (and exceptions)
Drama	Plan I
Earth Science	Plan I
Economics	Plan I
English	Plan I
English Language Arts	Plan II
French	Plan I
Geography	Plan I
German	Plan I
Government	Plan I
Guidance Association	Plan I
Health Education	Plan I
Health Occupations Education	Exceptions
Health and Physical Education	Plan I
Hebrew	Plan I
History	Plan I
Home Economics	Plan III
Industrial Arts	Plan II and Plan III
Italian	Plan I
Journalism	Plan I
Latin	Plan I
Life-Earth Middle School Science	Plan I
Mathematics	Plan I
Music	Plan I and Plan II
Occupational Orientation	Exceptions
Physical Education	Plan I
Physical Science	Plan I
Physics	Plan I
Portuguese	Plan I
Pre-employment Lab-- Home Economics	Plan II
Psychology	Plan I
Reading	Plan I
Russian	Plan I
Science Composite	Plan II
Social Science Composite	Plan II
Sociology	Plan I
Spanish	Plan I
Special Education Generic	Plan I
Speech	Plan I
Speech-- Drama	Plan II
Vocational Agriculture	Plan II (and exceptions)
Vocational Handicapped	Exceptions
Vocational Homemaking	Plan II

Vocational Office Education	Exceptions
Vocational Industrial Education	Exceptions

(b-d) Vocational education certificate-- requirements for unique preparation.

(b-d-a) CVAE cooperative education-coordinator. An applicant for a CVAE cooperative education-coordinator certificate must have:

- (1) bachelor's degree;
- (2) two years experience as a wage earner in two or more occupations for which training is being offered;
- (3) two years teaching experience in a junior high or high school; or other leadership experience and training together with the maturity needed to perform satisfactorily as a teacher coordinator; and
- (4) completed 14 semester hours of specified professional education courses while teaching two years on emergency teaching permits.

(b-d-b) An applicant for a vocational agriculture teacher of CVAE pre-employment laboratory programs must have:

- (1) valid provisional certificate with vocational agriculture teaching field;
- (2) occupational competence; and
- (3) completed a special agency-sponsored workshop for teachers in the CVAE agriculture-related program.

(b-d-c) Home economics teachers of CVAE. An applicant for a home economics teacher of CVAE must have:

- (1) valid provisional certificate with vocational homemaking education teaching field;
- (2) completed two three-week CVAE workshops sponsored by the agency in a designated college or university; and
- (3) one or two years teaching experience in the assigned area under emergency teaching permits.

(b-d-d) An applicant for the office education CVAE pre-employment laboratory certificate must have:

- (1) provisional junior high or high school certificate;
- (b) bachelor's degree with a major in a business field with two years recent wage-earning experience in one or more of the occupational areas to be taught; or
- (3) experience as a certified teacher in the regular vocational office education program;
- (4) high school graduation or equivalent;
- (5) five years wage earning experience in one or more of the occupational areas to be taught; and
- (6) completed 12 semester hours of specified professional education courses while teaching two years on emergency teaching permits.

(b-d-e) An applicant for a vocational industrial CVAE pre-employment laboratory certificate must have:

- (1) bachelor's degree; and
- (2) two years of recent wage-earning experience in one or more of the occupational areas to be taught; or
- (3) high school graduation or equivalent;
- (4) five years recent wage-earning experience in one or more of the occupational areas to be taught; or
- (5) experience as a certified teacher in the regular vocational education program that relates specifically to the area to be taught; and
- (6) completed 14 semester hours of professional education courses while teaching two years in the assigned areas under emergency teaching permits.

(b-d-f) An applicant for vocational industrial education for the handicapped certificate must have:

- (1) bachelor's degree;
- (2) two years of recent wage-earning experience in one or more of the occupational areas to be taught; or
- (3) high school graduation or equivalent;
- (4) five years recent wage-earning experience in one or more of the occupational areas to be taught; or
- (5) experience as a certified teacher in the regular vocational industrial education program or the industrial CVAE program that relates specifically to the occupational area to be taught; and
- (6) completed 14 semester hours of professional education courses while teaching two years in the assigned areas under emergency teaching permits.

(b-d-g) An applicant for an industrial cooperative teacher-coordinator certificate must have:

- (1) bachelor's degree;
- (2) three years experience as a wage earner in two or more approved industrial occupations or skilled trades, with one year being full-time continuous employment;
- (3) two years teaching experience in a secondary school or other leadership experience and training, together with the maturity needed to perform satisfactorily as a teacher-coordinator; and
- (4) completed 14 semester hours of specified professional education courses while teaching two years on emergency teaching permits.

(b-d-h) An applicant for the vocational industrial pre-employment laboratory certificate must have:

- (1) bachelor's degree; and
- (2) three years of recent wage-earning experience in the occupation or skilled trade to be taught; or
- (3) high school graduation or equivalent;

(4) five years recent wage-earning experience in the occupation or skilled trade to be taught; and

(5) completed 14 semester hours of professional education courses while teaching two years on emergency teaching permits.

(b-d-i) An applicant for a health occupations cooperative training teacher-coordinator certificate must have:

(1) bachelor's degree, or demonstrated abilities in teaching, coordination, and management of student learning experiences;

(2) recognized license or certificate as a professional practitioner in one or more health occupations;

(3) two years recent successful employment experience in a licensed hospital or other health agency beyond that required to become licensed or certified; and

(4) completed 14 semester hours of specified professional education courses while teaching two years on emergency teaching permits.

(b-d-j) An applicant for a health occupations pre-employment laboratory certificate must have:

(1) bachelor's degree, or demonstrated abilities in teaching, coordinating, and managing student learning experiences;

(2) recognized license or certificate as a professional practitioner in one or more health occupations;

(3) two years recent successful employment experience in a licensed hospital or other health agency beyond that required to become licensed or certified; and

(4) completed 14 semester hours of specified professional education courses while teaching two years on emergency teaching permits.

(b-d-k) An applicant for the distributive education certificate who is not a graduate of a teacher preparation degree program must have:

(1) a bachelor's degree;

(2) two years of approvable and successful wage-earning experience in the distributive occupations;

(3) completed agency-sponsored inservice orientation course for beginning distributive education; and

(4) completed deficient professional education courses identified by evaluation of transcript by an approved teacher-education while teaching on emergency teaching permits.

(c) Special subject all-level certificates.

(c-a) Requirements for the provisional all-level certificate. All-level certificates are issued in the subject areas of art, health and physical education, music, and speech/drama for individuals teaching only these

subjects in Grades 1-12. An applicant must have a bachelor's degree including the following areas:

(1) academic foundations-- approximately 60 semester hours, to include 33-36 semester hours in the following areas:

(1-1) English-- 12 semester hours;

(1-2) American history-- six semester hours;

(1-3) Texas and federal constitutions (government)-- two courses for six semester hours or one combined course for three semester hours; and

(1-4) mathematics, science, foreign languages-- 12 semester hours from two fields;

(2) academic specialization-- 48 semester hours or 24 semester hours for only health and physical education (a minimum of six elementary and six secondary); and

(3) professional development-- 18 semester hours including six semester hours in directed teaching, three of which must be elementary practice teaching and three in secondary practice teaching.

(c-b) Requirements for the provisional all-level exceptional children certificate.

(c-b-a) Speech and hearing therapy. An applicant must have a bachelor's degree including the following areas:

(1) academic foundations-- approximately 60 semester hours, to include 33-36 semester hours in the following areas:

(1-1) English-- 12 semester hours;

(1-2) American history-- six semester hours;

(1-3) Texas and federal constitutions (government)-- two courses for six semester hours or one combined course for three semester hours; and

(1-4) mathematics, science, foreign languages-- 12 semester hours from two fields.

(2) academic specialization-- 27 semester hours of speech and hearing courses, with an area designated as speech and hearing therapy. This shall include 200 clock hours of clinical practice, one-half of which must be in a public school setting.

(3) professional development-- 18 semester hours including six semester hours in directed teaching in the field of speech and hearing therapy. (One hundred clock hours in a public school may be earned concurrently with the six semester hours of student teaching.)

(4) survey - three semester hours in education for exceptional children.

(c-b-b) Deaf and/or severely hard of hearing. An applicant must have a bachelor's degree including the following areas:

(1) academic foundations-- approximately 60 semester hours, to include 33-36 hours in the following areas:

- (1-1) English-- 12 semester hours;
- (1-2) American history-- six semester hours;
- (1-3) Texas and federal constitutions (government)-- two courses for six semester hours or one combined course for three semester hours; and
- (1-4) mathematics, science, foreign language-- 12 semester hours in two fields;
- (2) academic specialization-- 18 semester hours in specialized courses in teaching deaf and/or severely hard of hearing, including six semester hours in language development for the deaf, six semester hours in the technique and interpretation of auditory tests, and three semester hours in auditory training and lip reading;
- (3) professional development-- 18 semester hours including six in directed teaching in classes for deaf children; and
- (4) resource area-- nine semester hours in content courses for the elementary school, including arithmetic, social studies, and science. (An additional three semester hours of content courses for the elementary school will qualify an individual for the provisional elementary certificate.)

(Note: An applicant who completes a 24-hour program in deaf and/or severely hard of hearing may utilize this preparation in lieu of an elementary area of specialization or a junior high or senior high teaching field.)

(c-c) Requirements for the professional all-level certificate (including (c-a) and (c-b) above). An applicant must have:

- (1) provisional all-level certificate;
- (2) three years teaching experience; and
- (3) 30 semester hours graduate work, which

shall include:

- (3-1) specialization area-- 12 semester hours of graduate courses in the academic specialization area in which the individual completed the program for all-level certification;
- (3-2) professional development area-- six semester hours of graduate courses;
- (3-3) resource area-- six semester hours in courses which provide background for the academic specialization area or which extend the individual's preparation in a subject matter field other than the specialization; and
- (3-4) elective area-- six additional semester hours in academic specialization, professional development, resource area, or any combination thereof.

- (4) Professional service certificates;

(4-a) Requirements for professional counselor certificates. An applicant for a professional counselor certificate must have:

- (1) a valid teacher certificate;
- (2) three years teaching experience; and

(3) completed a 30 hour graduate program in counseling, which includes:

- (3-1) three semester hours in the guidance program;
- (3-2) six semester hours in pupil services; and
- (3-3) 21 semester hours in the resource area-- courses in educational and occupational information testing, guidance, techniques, and supervised practicum.

(d-a-b) Special education counselor. An applicant for a special education counselor certificate must have:

- (1) a valid professional counselor certificate; and

- (2) six semester hours in special education.

(d-a-c) An applicant for a vocational education counselor certificate must have:

- (1) a valid professional counselor certificate;
- (2) 12 semester hours of specified vocational guidance courses; and

(3) three years experience, in an occupation or occupations for which vocational education is being conducted in the Texas public secondary schools (may also include up to two years teaching experience); or two years teaching experience in an approved vocational program preparing students for gainful employment.

(d-b) Requirements for professional supervisor certificates.

(d-b-a) An applicant for a professional supervisor certificate must have:

- (1) a valid teacher certificate;
- (2) three years teaching experience;
- (3) completed a 30 hour graduate program in supervision, which includes:

(3-1) nine semester hours in leadership for instructional improvement; and

(3-2) 21 semester hours in the resource area, intensive study of the content, methods, and techniques of instruction, organization of the instructional program, and the selection, development, and use of materials for instruction.

(d-b-b) Special education supervisor. An applicant for a professional special education supervisor certificate must have:

- (1) provisional certificate with endorsement or specialization in special education;
- (2) master's degree in the field of education or a related field;
- (3) valid teacher supervisor or administrator certificate; and
- (4) three years teaching experience.

A person who was assigned full-time responsibility for the supervision of school district special education programs for three successive years prior to school year

1971-72 may qualify for certification as special education supervisor if the applicant has a master's degree and either a valid Texas special education certificate and/or a valid Texas administrator or supervisor certificate.

(d-b-c) An applicant for a vocational supervisor and assistant administrator certificate must have:

(1) bachelor's degree;  
 (2) valid teacher certificate consistent with the level of the teachers or programs in the supervisory assignment;

(3) three years public school teaching experience in an approved vocational education program preparing students for gainful employment (Supervisors of homemaking education programs are exempt from the requirement that students be prepared for gainful employment.); and

(4) 30 semester hours in an approved program that includes 18 semester hours in approved vocational supervision courses and 12 semester hours in general supervision or courses designed to support the supervisory role.

(5) A person having a master's degree and approved on an emergency basis prior to September 1, 1974, will be required to complete only the 18 semester hours of approved courses for the vocational supervisor.

(6) All persons approved after September 1, 1974, will be required to complete the full 30 semester hour program to qualify for the professional vocational supervisor certificate.

(d-c) An applicant for a professional reading specialist certificate must have:

(1) a valid elementary, junior high, or high school certificate;

(2) three years of classroom teaching experience;

(3) master's degree; and

(4) 24 semester hours in a graduate program which includes:

(4-1) 12 semester hours in reading, to include foundations of reading, curriculum and instruction in reading, diagnosis and correction of reading;

(4-2) six semester hours in the resource area, to include multicultural concepts and linguistics; and

(4-3) six semester hours in professional education-- elementary education courses for holders of secondary certificates; secondary education for holders of elementary certificate.

(d-d) Requirements for professional visiting teacher certificate.

(d-d-a) An applicant for a professional visiting teacher certificate must have:

(1) valid teacher certificate;

(2) three years teaching experience in public schools or in an approved social welfare agency;

(3) 36 semester hours graduate program which includes:

(3-1) three semester hours in professional education;

(3-2) 21 semester hours in specialization area, courses dealing with all aspects of the emotional and cultural development of the human being; and

(3-3) 12 semester hours in the resource area to strengthen the specialization or professional education components of the individual's learning experience.

(4) Personnel who have been assigned full-time responsibility as special education visiting teachers in school programs for the three years immediately preceding the school year 1971-72, may qualify for the special education visiting teacher certification if the following conditions are met:

(4-1) bachelor's degree;

(4-2) valid Texas teacher certificate; and

(4-3) verification from a local superintendent that a person served as a full-time special education visiting teacher for the three years immediately preceding the school year 1971-72.

(d-d-b) An applicant for a special education education visiting teacher certificate must have:

(1) a valid professional visiting teacher certificate; and

(2) six semester hours in special education.

(d-e) Requirements for a school nurse certificate. An applicant for a provisional school nurse certificate must have:

(1) bachelor's degree;

(2) current registration with Texas State Board of Nurse Examiners;

(3) satisfactory completion of course or certification examination in federal and Texas constitutions; and

(4) satisfactory completion of six semester hours in American history.

An individual who has a current registration with Texas State Board of Nurse Examiners and has satisfactorily completed the course or certification examination in federal and Texas constitutions may receive a provisional school nurse certificate or may be employed in a school district as a school nurse without a provisional certificate. Nondegree persons are employed at Foundation School Program salary pay grade 6.

(d-f) Requirements for professional learning resources specialist certificate.

(d-f-a) An applicant for a professional all-level learning resources specialist must have:

(1) bachelor's degree from an accredited institution;

(2) valid teacher's certificate;

(3) basic understanding of multicultural and multiethnic elements in society;

(4) a recommendation from an accredited institution;

(5) completed an approved program of not less than 36 semester hours of which 27 semester hours shall be graduate level; the program shall include a 21 semester hour specialization area of which 3 semester hours shall be a practicum, or 21 semester hours and one year of experience as a full-time public school librarian; the program shall include:

(5-1) specialization area-- a minimum of 21 semester hours, at least 12 of which shall be graduate level and 3 of which shall be a practicum, or 21 semester hours and one year of experience as a full-time public school librarian. This 21-semester-hour block shall develop basic competencies in: selection, evaluation, and acquisition of materials in all formats, including multicultural and multiethnic materials; processing and organization of a unified collection of materials; instructional design and development; learning resources center organization and administration; local production of instructional materials; materials for children and young adults and utilization practices; reference and bibliography;

(5-2) resource area-- a minimum of six semester hours of graduate level courses which will strengthen the specialization or professional education components of the student's learning experience, selected from such areas as: instructional design; communications; advanced local production of instructional materials; research (interpretation and application); statistics; program planning and development; management; information networks; human relations; client groups and information needs; automation; cognate courses based on background of individual students;

(5-3) professional education area-- a minimum of six semester hours of graduate courses, three of which shall be in the area of curriculum development and design, and three of which may include but not be limited to: psychology; learning theory; educational systems; organization of education; education in society, including multicultural and multiethnic elements,

(6) completed a minimum of three years of successful teaching experience.

(d-f-b) An applicant for an all-level learning resources endorsement must have:

(1) bachelor's degree from an accredited institution;

(2) valid teacher's certificate;

(3) basic understanding of multi-cultural and multi-ethnic elements in society;

(4) a recommendation from an accredited institution;

(5) 21 semester hours, at least 12 of which shall be graduate level and 3 of which shall be a prac-

ticum, or 21 semester hours and one year of experience as a full-time public school librarian, to develop basic competencies in the following areas:

(5-1) selection, evaluation and acquisition of materials in all formats including multicultural and multiethnic materials;

(5-2) processing and organization of a unified collection of materials;

(5-3) instructional design and development;

(5-4) learning resources center organization and administration;

(5-5) local production of instructional materials;

(5-6) materials for children and young adults and utilization practices;

(5-7) reference and bibliography.

Note: An individual who currently holds the provisional or professional librarian certificate or who completes such certificate programs by August 31, 1979, in fulfillment of the requirements for assignment as a librarian under the Texas Public School Finance Plan (House Bill 1126, 64th Legislature) shall be deemed automatically to have, for assignment purposes, the equivalent of:

(a) the new learning resources endorsement based upon the provisional librarian certificate, or

(b) the new learning resources specialist certificate based upon the professional librarian certificate. No application or overt action is necessary to obtain the equivalency status. Current librarian preparation programs are to be completed and certificates are to be applied for by August 31, 1979.

(d-g) Requirements for professional special education certificates.

(d-g-a) An applicant for a professional school psychologist certificate must have:

(1) licensure as a psychologist by the State Board of Examiners of Psychologists; and

(2) one of the following:

(2-1) institutional certification as having completed an institutional major in school psychology; and one year of experience in the schools rendering psychological services acceptable to the superintendent; or

(2-2) Texas teaching certificate and one year of experience in the schools rendering psychological services acceptable to the superintendent; or

(2-3) three years of elementary and/or secondary school teaching experience in a state other than Texas; and one year of experience in the schools rendering psychological services acceptable to the superintendent; or

(2-4) 12 semester hours of course work in education, including 3 semester hours in each of the following areas: (1) organization, administration and financing of public schools; (2) curriculum and instruc-

tion; (3) education of exceptional children; and (4) multicultural education; and one year of experiences in the schools rendering psychological services acceptable to the superintendent.

Intermediate certification, valid for one year subject to one year renewal, is available to applicants who have:

(1) institutional certification as having completed an institutional major in school psychology; or

(2) licensed by Texas State Board of Examiners of Psychologists and institutional certification as having completed a doctoral degree in a program the content of which is primarily psychological in nature from an accredited university or college and recommendation by the institution; or

(3) eligibility to take the examination for licensing as a psychologist given by the Texas State Board of Examiners of Psychologists and one of the following:

(3-1) a Texas teaching certificate; or

(3-2) three years of elementary and/or secondary school teaching experience in a state other than Texas; or

(3-3) 12 semester hours of course work in education, including 3 semester hours in each of the following areas: (1) organization, administration, and financing of public schools; (2) curriculum and instruction; (3) education of exceptional children; and (4) multicultural education; and one year of experience in the schools rendering psychological services acceptable to the superintendent.

(d-g-b) An applicant for a professional associate school psychologist certificate must have:

(1) licensure by the State Board of Examiners of Psychologists as a psychological associate; and

(2) one of the following:

(2-1) institutional certification as having completed an institutional major in school psychology; and one year of experience in the schools rendering psychological services acceptable to the superintendent; or

(2-2) Texas teaching certificate and one year of experience in the schools rendering psychological services acceptable to the superintendent; or

(2-3) three years of elementary and/or secondary teaching experience in a state other than Texas; and one year of experience in the schools rendering psychological services acceptable to the superintendent; or

(2-4) 12 semester hours of course work in education, including 3 semester hours in each of the following areas: (1) organization, administration, and financing of public schools; (2) curriculum and instruction; (3) education of exceptional children; and (4) multicultural education; and one year of experience in the schools rendering psychological services acceptable to the superintendent.

Intermediate certificate, valid for one year subject to one year renewal, is available for applicants who have:

(1) institutional certification as having completed an institutional major in school psychology; or

(2) institutional certification as having completed a master's degree in a program, the content of which is primarily psychological in nature in an accredited university or college, and recommendation by the institution; and

(3) one of the following:

(3-1) a Texas teaching certificate; or

(3-2) three years of elementary and/or secondary school teaching experience in a state other than Texas; or

(3-3) 12 semester hours of course work in education, including 3 semester hours in each of the following areas: (1) organization, administration, and financing of public schools; (2) curriculum and instruction; (3) education of exceptional children; and (4) multicultural education; and one year of experience in the schools rendering psychological services acceptable to the superintendent.

(d-g-c) An applicant for a professional educational diagnostician certificate must have:

(1) provisional teacher certificate;

(2) three years of teaching experience;

(3) master's degree; and

(4) completion of a program, 18 semester hours must be graduate courses which include:

(4-1) knowledge of the exceptional child-- at least nine semester hours;

(4-2) knowledge of psychoeducational and other diagnostic procedures-- at least nine hours;

(4-3) knowledge of human development-- at least three semester hours;

(4-4) knowledge of learning theory-- at least six semester hours; and

(4-5) knowledge of instructional modification, including practical application (remediation techniques and materials)-- at least six semester hours.

(d-h) Requirements for professional administrator certificate.

(d-h-a) Professional school mid-management administrator. An applicant for the professional school administrator certificate must have:

(1) valid teacher certificate;

(2) master's degree;

(3) a minimum of two years creditable classroom teaching experience;

(4) completed a 45-semester-hours program that includes:

(4-1) an approved administrative internship experience, three to six semester hours of graduate credit in courses open only to graduate students;

(4-2) a common core of courses which are: 15 to 18 semester hours of graduate credit in courses,

open only to graduate students, designed to develop general administrative competencies and understandings in administrative theory and practice, curriculum theory and instructional supervision, school law and business management, and the administration of special and compensatory education; and nine to 12 semester hours of advanced credit earned after the baccalaureate degree in academic areas of study such as sociology, anthropology, psychology, business administration, economics, or computer science to provide breadth and understanding of the role of the professional administrator.

(4-3) specialized school administrator preparation courses which are: 15 to 18 semester hours of graduate credit in courses open only to graduate students in areas of competency designed either for the position of principal or central administrator. Each program for the preparation of the school principal shall include elements designed to provide competencies in the administration of special education, reading, career education, and vocational-technical education.

(d-h-b) The professional school superintendent certificate requires preparation in addition to the requirements for the professional school mid-management administrator certificate. The applicant must have:

(1) completed all requirements for the professional school administrator certificate; and

(2) completed 15 additional semester hours of graduate courses open only to graduate students in areas of competency designed for the position of superintendent. Each program for the preparation of the school superintendent shall include elements designed to provide competencies in the administration of special education, career education, and vocational-technical education.

(d-h-c) Temporary administrator certificates are available for the following positions: assistant principal; principal; and superintendent. These are valid for five years and are non-renewable. Appropriate temporary certificates are issued upon the recommendation of a college/university to a person meeting the following requirements:

(1) An applicant for a temporary principal or assistant principal certificate must have:

(1-1) a master's degree for principal or a bachelor's degree for assistant principal;

(1-2) a valid teacher certificate;

(1-3) two years of creditable classroom teaching experience;

(1-4) a minimum of 12 graduate semester hours of the common core required for the professional administrator certificate; and

(1-5) admission to the professional administrator program of the recommending institution.

(2) An applicant for a temporary superintendent certificate must have:

(2-1) a professional mid-management administrator certificate; and

(2-2) admission to the professional superintendent preparation program of the recommending institution.

(d-h-d) Professional certificate for school administrators. (Note: No new admissions; persons participating in this program must complete all requirements prior to September 1, 1977.) Professional certificates for school administrators require 60 semester hours beyond the bachelor's degree and are for the assignments of elementary principal, junior high school principal, high school principal, and superintendent. An applicant must have:

(1) professional teacher certificate.

(2) master's degree;

(3) three years of successful teaching experience in an approved school;

(4) 60 semester hours beyond the bachelor's degree as follows:

(4-1) general academic area-- six semester hours in academic courses as described in specialization area and resource areas;

(4-2) academic specialization area-- 12 semester hours in graduate courses in a subject or area commonly taught in the public schools;

(4-3) professional development area-- six semester hours in graduate courses in professional development as required for the professional teacher certificate for the improvement of teaching ability;

(4-4) general and specialized professional administration areas-- 24 semester hours in graduate courses designed to give competence in school administration at all levels and each of the assignments of the elementary principal, secondary principal, and superintendent; including at least three semester hours of a supervised practicum; and

(4-5) resource area-- 12 semester hours in courses distributed among the social sciences, humanities, and sciences, the purpose of which is to give breadth to the preparation of the school administrator.

(d-h-e) Temporary administrator certificate.

(Note: No new admissions; persons participating in this program must complete all requirements prior to September 1, 1977.) Temporary administrator certificates are available for the assignments of elementary principal, junior high school principal, high school principal, and superintendent upon the recommendation of a college/university. These are valid until the termination date of the program and are non-renewable. The applicant must have:

(1) completed an approved professional teacher certificate program or completed an approved professional principal, supervisor, or counselor certificate program prior to September 1, 1966;



(2) a master's degree; and

(3) taught a minimum of three years in an accredited school.

(e) Endorsements. Endorsements to Texas teacher certificates are available in the areas of kindergarten, special education, driver education, early childhood for exceptional children, and bilingual education. The endorsements are issued to applicants who hold a valid appropriate Texas Teacher Certificate, and fulfilled requirements for endorsement in a program in an approved Texas institution. Endorsements may be added to existing certificates by fulfilling the requirements for the endorsement desired. Eligibility for a particular endorsement is based on the type of certificate held.

The following indicates the eligibility of certificate holders for obtaining the endorsements by completing only the requirements in the endorsement area. Endorsements are added as follows:

elementary: kindergarten, special education, driver education, early childhood exceptional children and bilingual education; secondary: special education, driver education, and bilingual education; junior high: special education, driver education, and bilingual education, all level. kindergarten, special education, driver education, early childhood exceptional children, and bilingual education special services; librarian-- elementary (based on a previous provisional teaching certificate): kindergarten, special education, driver education, early childhood exceptional children, and bilingual education; librarian-- secondary (based on a previous provisional teaching certificate): special education, driver education, and bilingual education; nurse (requires only a college degree): special education and driver education; vocational homemaking: kindergarten, special education, driver education, early childhood exceptional children, and bilingual education; vocational agriculture: special education, driver education, and bilingual education; trade and industry (requires only a college degree): special education, driver education, and bilingual education; vocational office education (requires only a college degree): special education, driver education, and bilingual education; distributive education: special education, driver education, and bilingual education; occupational orientation (requires only a college degree): special education, driver education, and bilingual education; deaf/severely hard of hearing: kindergarten, special education, driver education, early childhood exceptional children, and bilingual education; speech/hearing therapy: kindergarten, special education, driver education, and bilingual education; other special education (based on a previous provisional teaching certificate): special education, driver education, early childhood exceptional children, and bilingual education.

Specific requirements for available endorsements are as follows:

(e-a) Kindergarten. An applicant for a kindergarten endorsement must have one of the following:

(1-1) nine semester hours of kindergarten education, advanced level;

(1-2) three semester hours of kindergarten student teaching; or

(2-1) 12 semester hours of kindergarten education; and

(2-2) one year full-day or half-day kindergarten teaching experience in an accredited school.

(Note: Teaching or student teaching in a multi-age class which includes kindergarten will be accepted as appropriate experience.)

A person who held a valid Texas Provisional Elementary Certificate prior to September 1, 1970, and had one year or more teaching experience in a kindergarten, Head Start, preschool, or ESEA Title I program for five-year-old children in an accredited school between September 1, 1965, and September 1, 1970, is eligible for a kindergarten endorsement.

Individuals employed in pre-kindergarten or early childhood assignment must hold the kindergarten endorsement (not the early childhood for exceptional children endorsement.)

(e-b) Special education.

(e-b-a) An applicant for a mentally retarded endorsement must have:

(1) three semester hours in a survey course in education for exceptional children; and

(2) nine semester hours directly related to teaching the mentally retarded.

(3) six semester hours in directed teaching which shall be in both this area of special education and the regular classroom.

(e-b-b) An applicant for a language learning disabilities (LLD) endorsement must have:

(1) three semester hours in a survey course in education for exceptional children;

(2) three semester hours in human development;

(3) three semester hours in learning theory;

(4) nine semester hours directly related to teaching language and/or learning; and

(5) six semester hours in directed teaching which shall be in both this area of special education and the regular classroom.

Persons who have two years teaching experience in approved LLD developmental programs or approved Comprehensive Special Education for Exceptional Children program (Plan A) LLD component, for school years 1970-71, 1971-72, 1972-73 only and 12 hours as part of staff development may be eligible for the LLD endorsement.

Persons who have three years teaching experience in a special education program for the minimally brain injured prior to September 1, 1973, and a physically handicapped endorsement may be eligible for the LLD endorsement.

(e-b-c) An applicant for an emotionally disturbed endorsement must have:

- (1) three semester hours in a survey course in education for exceptional children;
- (2) nine semester hours directly related to teaching the emotionally disturbed, including 54 clock hours of practicum; and
- (3) six semester hours in directed teaching which shall be in both this area of special education and the regular classroom.

(e-b-d) An applicant for a deficient vision endorsement must have:

- (1) three semester hours in a survey course in education for exceptional children;
- (2) 12 semester hours directly related to teaching the partially sighted or blind;
- (3) ability to read, write, and to teach Braille; and

(4) six semester hours in directed teaching which shall be in both this area of special education and the regular classroom.

(Note: An applicant who completes a 24 semester hour program in deficient vision may utilize this preparation in lieu of an elementary area of specialization or a junior or senior high teaching field.)

(e-b-e) Physically handicapped (including minimally brain injured). An applicant for a physically handicapped endorsement must have:

- (1) three semester hours in a survey course in education for exceptional children;
- (2) nine semester hours directly related to teaching the physically handicapped; and
- (3) six semester hours in directed teaching which shall be in both this area of special education and the regular classroom.

(e-b-f) Homebound or hospitalized. No endorsement is issued for this assignment, but evidence of the following must be on file in the superintendent's office:

- (1) three semester hours in a survey course in education for exceptional children; and
- (2) three semester hours directly related to teaching the orthopedically handicapped.

(e-c) An applicant for a driver education endorsement must have:

- (1) valid Texas driver's license;
- (2) completed a six semester hour plan in safety and driver education, which may include the following areas:

(2-1) driver and pedestrian attitudes, capabilities, and responsibilities;

(2-2) automobile operation and maintenance;

(2-3) defensive driving procedures;

(2-4) state motor vehicle laws and city ordinances;

(2-5) street and highway characteristics; and

(2-6) supervised practice teaching in developing driving skills in non-drivers.

(3) verification of a driving record where the Department of Public Safety has taken no corrective action for 12 months prior to application.

(e-d) An applicant for an early childhood exceptional children endorsement must have:

- (1) six semester hours special education; and
- (2) six semester hours kindergarten or early childhood education.

(e-e) An applicant for a bilingual education endorsement must have:

- (1) baccalaureate degree;
- (2) valid teacher certificate;
- (3) evidence of proficiency in English and the language of the target population at the highest level for which the person has been certified as determined and recommended to a superintendent by a public school committee (whose make-up, qualifications and functions are set forth in guidelines distributed by the Texas Education Agency).

(4) one year of successful classroom experience in a state required bilingual education program or in an organized/approved bilingual education program (see note); and

(5) the recommendation of the superintendent of the employing district.

Provisions for obtaining endorsements to certificates under these procedures will remain in effect under continuing provisions as determined annually. Those individuals in progress under provisions of Rule 226.62.06.010(k-v) who have not completed requirements when a termination date is established will have not more than 24 months to complete all requirements.

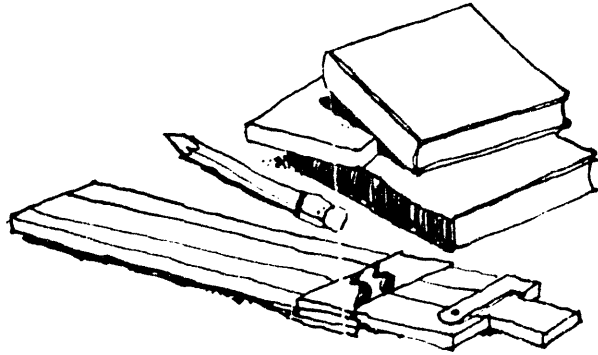
(Note: An organized/approved bilingual education program is a program implemented in accordance with the provisions of Rule 226.32.52.010, Bilingual Education Program Description and approved by the Texas Education Agency.)

Issued in Austin, Texas, on September 22, 1976.

Doc. No. 765049 M. L. Brockett  
Commissioner of Education

Effective Date: October 14, 1976

For further information, please call (512) 475-7077.



### Issuing Teacher Certificates 226.62.04

The State Board of Education and the Commissioner of Education have amended Rule 226.62.04.010, concerning procedures for issuing teacher certificates.

Public review and discussion of the proposed amendment were held. The amendment was adopted with no change from the text proposed.

This rule is promulgated under the authority of Sections 13.032-13.034, Texas Education Code.

#### .010. *Certificate Issuance Procedures* Administrative Procedure

(d) Newly adopted teaching fields. The division of teacher certification will evaluate credentials for teaching fields newly adopted by the State Board of Education and for which Texas colleges do not yet have a sufficient number of approved programs.

#### (e) Dates of certificate issuance.

(1) The issuance date of emergency teaching permits and special assignment permits will be the date the application form is signed and notarized by the superintendent or his authorized representative.

(2) The issuance date of certificates will be the date the application form is signed by the applicant and properly notarized. The notarization date must not be prior to the completion date of all certification requirements. (This policy is directed toward certificates and permits evaluated by the division of teacher certification. It does not apply to applications for certificates accompanied by college recommendations or the applications verified by occupational education and technology.)

(3) The issuance date may be retroactive for as much as 60 days prior to receipt of the application by the division of teacher certification.

(4) A certificate is recognized for the entire month in which it was issued.

(5) Whenever a teacher changes certification status, converts from an emergency teaching permit to permanent teacher certification, the effective date is the day of permanent certificate issuance. If this date is during the school term, the teacher's salary for foundation school program purposes is changed, effective on that date.

(6) Districts will be covered during the processing time of the permit even if the person is not eligible to receive it. Districts will be notified regarding eligibility or ineligibility for permits.

Issued in Austin, Texas, on September 22, 1976.

Doc No 765050 M. L. Brockett  
Commissioner of Education

Effective Date: October 14, 1976

For further information, please call (512) 475-7077.

### Teaching Permits 226.62.06

The State Board of Education and the Commissioner of Education have amended Rule 226.62.06.010, concerning emergency teaching permits and permits for special assignments.

Public review and discussion of the proposed change were held. The amendment was adopted with no change from the text proposed.

This rule is promulgated under the authority of Section 13.040, Texas Education Code.

#### .010. *Emergency Teaching Permits and Permits for Special Assignment*.

#### Administrative Procedure

(b) Application procedures for an emergency teaching permit. The superintendent of a school district makes application for an emergency teaching permit. The application is submitted to the Division of Teacher Certification and includes:

(e) Special requirements for teachers requiring emergency teaching permits who are required to complete a teacher education program. The superintendent of schools is authorized to renew emergency teaching permits a maximum of two consecutive times provided that the:

(5) permits that must be renewed through the Texas Education Agency:

- (A) special assignment permits (including special education permits);
- (B) kindergarten permits;
- (C) bilingual education permits;
- (D) vocational permits;
- (E) permits renewed for "hardship" reasons.

(f) Special requirements for teachers requiring emergency teaching permits who may earn certification other than by completion of an approved bachelor's degree program.

(f-c) ROTC personnel.

(2) The initial permits for ROTC instructors are requested from and issued by the Texas Education Agency for a \$1 fee.

(3) Renewals are made by submitting letters to the division of teacher certification stating that the individual will again be assigned to instruct ROTC. The individual's social security number must be included in each letter. (No fee for renewal.)

(f-d) Sixth grade permits.

(1) individuals who hold high school certificates may teach departmentalized sixth grade in their teaching fields;

(2) submit original permit request, official transcripts, completed application, and \$1 fee to the Division of Teacher Certification;

(3) a renewal is made by submitting a letter stating that the individual will again be assigned to teach in the sixth grade. (No fee for renewal.)

(f-e) Foreign language permits. Individuals with high school certificates may teach departmentalized sixth grade in their major fields on emergency teaching permits. The initial permit is requested from the Texas Education Agency (fee: \$1). Thereafter, for an individual to continue teaching in this assignment, the superintendent should send the Texas Education Agency a letter stating the individual's name, social security number, and area of assignment (no fee). No permit renewal or additional college work is required.

(h) Application procedures for a permit for special assignment. The superintendent of a school district makes application for a permit for special assignment. The application is submitted to the Division of Teacher Certification and includes:

(3) a permit fee of one dollar. (For speech and hearing, deaf/severely hard of hearing, school psychologist and associate school psychologist only).

(k) Special requirements of an applicant for a permit for special assignment.

(k-g) Visiting teacher, general. The individual for whom an initial permit for special assignment for a visiting teacher, general, is requested must:

(6) As an interim measure, an individual who has completed a master's degree in social work, guidance and/or counseling, or psychology prior to August 31, 1975, and who has a provisional teacher certificate and three years of teaching experience, or three years of experience in an approved social welfare agency, may submit transcripts through August 31, 1976, to the Texas Education Agency, Division of Teacher Certification, for evaluation. A deficiency plan and a one-

year special assignment permit will be issued. The special assignment permit may be renewed for one additional year upon application and presentation of evidence of completion of at least six semester hours or one-half of the deficiencies, whichever is greater. Upon completion of all deficiencies, an individual may apply directly to the Texas Education Agency for the visiting teacher certificate. Deficiencies must be completed and the application must be presented to the Texas Education Agency by August 31, 1977.

(k-l) Teacher of the early childhood program for exceptional children. One further permit may be requested provided that the individual has continued in a developmental program of early childhood for exceptional children and has completed a minimum of six semester hours in special education or early childhood education or a combination of the two, or one year of teaching experience.

(k-m) Teacher of the emotionally disturbed. The individual for whom an initial permit for special assignment for a teacher of the emotionally disturbed is requested must:

(5) present a college plan from an approved college or university outlining the requirements to be completed for securing an endorsement in the emotionally disturbed, showing that all deficiencies can be completed within a two-year period.

One further permit may be requested provided that the individual has completed a minimum of six semester hours of requirements for the endorsement and all requirements for the certificate can be completed within one year.

(k-n) Teacher of the physically handicapped (crippled and/or special health problems). The individual for whom an initial permit for special assignment for a teacher of the physically handicapped (crippled and/or special health problems) is requested must:

(5) present a college plan from an approved college or university outlining the requirements to be completed for securing an endorsement in the physically handicapped (crippled and/or special health problems), showing that the deficiencies can be completed within a two-year period.

(k-o) Teacher of the mentally retarded (educable and/or trainable). The individual for whom an initial permit for special assignment for a teacher of the mentally retarded (educable and/or trainable) is requested must:

(5) present a college plan from an approved college or university outlining the requirements to be completed for securing an endorsement in the mentally retarded (educable and/or trainable), showing that the deficiencies can be completed within a two-year period.

(k-p) Teacher for language and/or learning disabilities. The individual for whom an initial permit for

special assignment for a teacher for language and/or learning disabilities is requested must:

(5) present a college plan from an approved college or university outlining the requirements to be completed for securing an endorsement in language and/or learning disabilities, showing that all deficiencies can be met within a two-year period.

(k-q) Teacher of the homebound or hospitalized. The only requirement is a valid Texas teacher certificate. Only one permit is available in this assignment.

(k-r) Teacher of the partially sighted-- deficient vision. The individual for whom an initial permit for special assignment for a teacher of the partially sighted-- deficient vision is requested must:

(5) present a college plan from an approved college or university outlining the requirements to be completed for securing an endorsement for the partially sighted-- deficient vision, and showing that the deficiencies can be completed within a two-year period;

(k-w) Librarian. The individual for whom an initial permit for special assignment for the librarian is requested must:

- (1) hold valid Texas teacher certificate;
- (2) have one year of teaching experience;
- (3) have six semester hours of approved library science courses.

(l) Temporary classroom assignment permits. The superintendent or his designated representative is authorized to activate for members of the staff temporary classroom assignment permits if:

- (1) an emergency need is evident;
- (2) the individual:

(2-1) holds a valid Texas junior high, high school, all-level, vocational homemaking, or vocational agriculture certificate;

(2-2) is assigned more than one class outside his teaching field, but cannot be assigned in more than two fields for which he is not certified and has at least 12 hours in the field(s) of assignment; or

(2-3) is assigned more than one class outside his teaching field but has less than 12 hours in that field; and

(3) the school district has on file the temporary classroom assignment permit form completed prior to duty date.

(4) Temporary classroom assignment permits apply only to classroom teaching assignments in a departmentalized situation. They may not be used for elementary, special education, librarian, counselor, administrator, supervisor, visiting teacher, or vocational assignments.

The superintendent or his designated representative may renew a temporary classroom assignment permit one time provided that the:

(5) emergency teaching permits will not be issued by the Texas Education Agency for certified individuals who do not meet temporary classroom assignment permit requirements.

Issued in Austin, Texas, on September 22, 1976.

Doc. No. 765051 M. L. Brockett  
Commissioner of Education

Effective Date: October 14, 1976

For further information, please call (512) 475-7077.

### Texas Certificate Based on Certificates and College Credentials from Other States 226.62.08

The State Board of Education and the Commissioner of Education have amended Rule 226.62.08.010, concerning the issuance of Texas Teacher certificates based on certificates and college credentials from other states. The changes clarify requirements, specify the expiration date for the one-year certificate based on college credentials from out-of-state, and specify evaluation criteria for applicants for professional certificates.

Public review and discussion of the proposed amendment were held. The amendment was adopted with no change from the text proposed.

This rule is promulgated under the authority of Section 13.042, Texas Education Code.

#### .010. Issuance of Texas Certificate Based on Certificates and College Credentials from Other States.

##### Administrative Procedure

(a) Texas certificates which may be issued. Providing all requirements are met, the following Texas teacher certificates may be issued:

(1) a provisional life certificate for those individuals holding a regular classroom certificate (fully certified) based upon at least the bachelor's degree in a teacher education program from another state.

With regard to content of teacher, academic, or general education, the preparation upon which the certificate from another state is issued is required to be at least equal to the Texas requirement in semester hours but not necessarily in content or kind. Although two teaching fields are required for certification of Texas institution graduates, an out-of-state graduate holding a valid

certificate from another state may be granted a Texas certificate for secondary schools provided he has only one single subject teaching field of at least 24 semester hours of credit. No teaching field is recorded on the Texas certificate unless it is approximately equal in semester hours to the requirements for a teaching field in Texas at the time the Texas certificate is issued.

(d) Holder of a Texas degree and an out-of-state certificate. An applicant holding a degree from a Texas institution of higher education and an out-of-state certificate is considered a Texas graduate with respect to the issuance of a Texas certificate unless the applicant's certificate requirements were completed in an accredited out-of-state institution after his Texas degree.

(e) Holder of out-of-state degree but no certificate. The holder of an out-of-state degree who does not have a certificate must have his or her transcripts evaluated by the Division of Teacher Certification, Texas Education Agency. Only degrees granted by institutions which are regionally accredited will be recognized.

The one-year certificate based on college credentials from out-of-state but no out-of-state certificate is issued for the remainder of the school year in which it is authorized, to expire August 31.

(f) Evaluation of out-of-state applicants for professional certificates. An applicant holding the highest degree from another state and having completed no more than 12 semester hours toward a professional certificate shall be evaluated by a Texas institution, complete the approved program established at the institution, and be recommended for professional certification by the institution.

Issued in Austin, Texas, on September 22, 1976.

Doc No. 765052 M. L. Brockett  
Commissioner of Education

Effective Date October 14, 1976

For further information, please call (512) 475-7077.

## Policies and Procedures System

### Administrative Procedures 226.93.02.

The State Board of Education has amended Rule 226.93.02.020, concerning the approval and revision of administrative procedures. The rule as adopted contains three changes from the text as proposed. Under the rule as adopted all administrative procedures shall be submitted to the board for the board's information and review.

In the first sentence the words "are correlated" were changed to "must be correlated." The second sentence in the proposed rule was deleted.

Public review and discussion of the proposed amendment were held.

This rule is promulgated under the authority of Sections 11.02, 11.20, and 11.52, Texas Education Code.

*.020. Approval and Revision of Administrative Procedures.* Administrative procedures are determined and revised by the Commissioner of Education and must be correlated with the policies of the board. All administrative procedures shall be submitted to the board for the board's information and review. The State Board of Education approves administrative procedures when (1) required by law, (2) required by board policy, or (3) requested by the Commissioner of Education.

When board action is required or requested for adoption or revision, the same processes as specified for policy amendments in Policies 9301.2, 9301.3, 9301.4, and 9301.5 shall apply.

Issued in Austin, Texas, on September 22, 1976.

Doc No 765053 M.L. Brockett  
Commissioner of Education

Effective Date: October 14, 1976

For further information, please call (512) 475-7077.

## State Department of Public Welfare

### Refugee Assistance Program

#### Support Documents 326.13.99

The Department of Public Welfare adopts by reference the rules in Public Law 94-313 and Public Law 94-330. With this adoption, effective July 1, 1976, refugees from Laos are eligible for benefits under the Indochinese Refugee Assistance Program on the same basis as refugees from Cambodia and Vietnam. Public Law 94-313 amends the existing law to include refugees from Laos, and Public Law 94-330 authorizes use of present refugee program funds for refugees from Laos. This addition of Laotians applies to all references in all other department rules about Indochinese refugees and the Indochinese refugee program.

In accordance with these statutory changes the department adopts these rules under the authority of Article 695c, Texas Civil Statutes, to be effective July 1, 1976.

.001. *Public Law 94-313.* The Department of Public Welfare adopts by reference the rules contained in Public Law 94-313, 90 U.S. Statutes 691, of June 21, 1976.

.002. *Public Law 94-330.* The Department of Public Welfare adopts by reference the rules contained in Public Law 94-330, 90 U.S. Statutes 771-780, of June 30, 1976.

Issued in Austin, Texas, on September 27, 1976.

Doc. No 765077      Raymond W. Vowell  
                                  Commissioner  
                                  State Department of Public  
                                  Welfare

Effective Date: July 1, 1976

For further information, please call (512) 475-4601.



## Intermediate Care II Facility

### Administrative Management 326.30.05

The State Department of Public Welfare adopts Rule 326.30.05.007 in compliance with recent changes to federal regulations relating to intermediate care facilities. This change was mandated by the Department of Health, Education, and Welfare (HEW) effective June 28, 1976.

This rule requires that the governing body of an intermediate care facility establish written policies for the recognition and maintenance of the rights of residents in the facility participating in the Medicaid program. The basis for this rule is HEW's desire to promote the

physical and emotional well-being of the intermediate care facility residents by setting forth certain rules with respect to the rights to be accorded residents by facility personnel and individual practitioners rendering treatment.

Pursuant to federal regulations and under the authority of Articles 695c and 695j-1, Texas Civil Statutes, the State Department of Public Welfare adopts the following rule.

.007. *Resident Rights.* The governing body of the facility establishes written policies (including policies listed in Rule 326.30.09.003) regarding the rights and responsibilities of residents and, through the administrator, is responsible for development of and adherence to procedures implementing such policies. These policies and procedures are made available to residents, guardians, next of kin, sponsoring agency(ies), representative payees, and to the public. The staff of the facility is trained and involved in the implementation of these policies and procedures.

Issued in Austin, Texas, on September 29, 1976.

Doc. No. 765116      Raymond W. Vowell  
                                  Commissioner  
                                  State Department of Public  
                                  Welfare

Effective Date: June 28, 1976

For further information, please call (512) 475-4601.

## Resident Care and Rehabilitation 326.30.09

The State Department of Public Welfare adopts Rule 326.30.09.003 in compliance with recent changes to federal regulations relating to intermediate care facilities. This change was mandated by the Department of Health, Education, and Welfare (HEW) effective June 28, 1976.

This requirement provides for the recognition and maintenance of the rights of residents in intermediate care facilities participating in the Medicaid program. The basis for this rule is HEW's desire to promote the physical and emotional well-being of the intermediate care facility residents by setting forth certain rules with respect to the rights to be accorded residents by facility personnel and individual practitioners rendering treatment.

Pursuant to federal regulations and under the authority of Articles 695c and 695j-1, Texas Civil Statutes, the State Department of Public Welfare adopts the following rule.

### .003. Resident Rights.

(a) Only those persons are accepted or retained whose needs can be met by the facility directly or in cooperation with community resources or other providers of care with which it is affiliated or has contracts.

(b) As changes occur in their physical or mental condition necessitating service or care which cannot be adequately provided by the facility, residents are transferred promptly to hospitals, skilled nursing facilities, or other appropriate facilities.

(c) Prior to or at the time of admission to the facility, each resident is fully informed of his rights and responsibilities as a resident and of all rules and regulations governing resident conduct and responsibilities. A receipt from the resident, guardian, or receipt with third-person witness in the case of a mentally retarded individual, acknowledging awareness of rights, responsibilities, conduct, rules, and regulations is required.

(d) There shall be written policies governing access to, duplication of, and dissemination of information from the resident's record.

(e) Each resident is encouraged and assisted throughout his period of stay to exercise his rights as a resident and as a citizen and to this end may voice grievances and recommend changes in policies and services to facility staff and/or to outside representatives of his choice, free from restraint, interference, coercion, discrimination, or reprisal.

(f) There are clearly defined procedures for submitting complaints and recommendations by residents and for assuring response and disposition.

(g) Each resident is fully informed in writing prior to or at the time of admission and during stay of services available in the facility and of related charges, including all charges for services not covered under Title XIX of the Social Security Act or not covered by the authorized monthly vendor rate.

(h) Each resident is treated with consideration, respect, and full recognition of his dignity and individuality, including privacy in treatment and in care for his personal needs.

(i) No resident may be required to perform services for the facility.

(j) Each resident may associate and communicate privately with persons of his choice, unless to do so would infringe upon the rights of other residents, and send and receive his personal mail unopened, unless medically contraindicated as documented by his physician in his resident record.

(k) Each resident may manage his personal financial affairs; and to the extent under written authorization by the resident or guardian that the facility assists in such management, it is carried out in accordance with item (g).

(l) Each resident may participate in activities of

social, religious, and community groups at his discretion, unless medically contraindicated for reasons documented in his resident record by his physician, or, in the case of a mentally retarded person, by a qualified mental retardation professional.

(m) Each resident may retain and use his personal clothing and possessions as space permits.

(n) Each resident, if married, is assured privacy for visits by his or her spouse; if both are residents in the facility, they are permitted to share a room, unless medically contraindicated as documented by the attending physician in his resident record.

(o) All rights and responsibilities of the resident devolve to the resident's guardian, next of kin, or sponsoring agency(ies) where:

(1) a resident is adjudicated incompetent in accordance with state law, or

(2) his physician, or, in the case of a mentally retarded individual, a qualified mental retardation professional, has documented in the resident's record the specific impairment that has rendered the individual incapable of understanding these rights.

(p) Each resident is fully informed by a physician of his medical condition, unless medically contraindicated as documented by a physician in his resident record, is afforded the opportunity to participate in the planning of his total care and medical treatment and to refuse treatment, and participates in experimental research only upon his informed written consent.

(q) Except in emergency cases, the resident, next of kin, attending physician, guardian, or representative payee shall be consulted at least five days in advance of any resident transfer or discharge.

(r) Each resident is transferred or discharged only for medical reasons, or for his welfare or that of other residents, or for non-payment for his stay (except as prohibited by Title XIX of the Social Security Act).

(s) Each resident is free from mental and physical abuse and free from chemical and physical restraint except when authorized in writing by a physician for a specified and limited period of time or when necessary in an emergency to protect the patient from injury to himself or to others.

(t) Policies define the use of chemical and physical restraints, identify professional personnel who may authorize the application of restraints in emergencies, and describe the mechanism for monitoring and controlling their use.

(u) Restraints authorized by a designated professional are promptly reported by this individual to the physician describing the action taken and in the case of a mentally retarded individual when authorized in writing by a physician or qualified mental retardation professional for use during behavior modification sessions.

(v) Each resident is ensured confidential treatment of all information contained in his records, includ-



ing information contained in an automatic data bank; and his written consent is required for the release of information to persons not otherwise authorized under law to receive it.

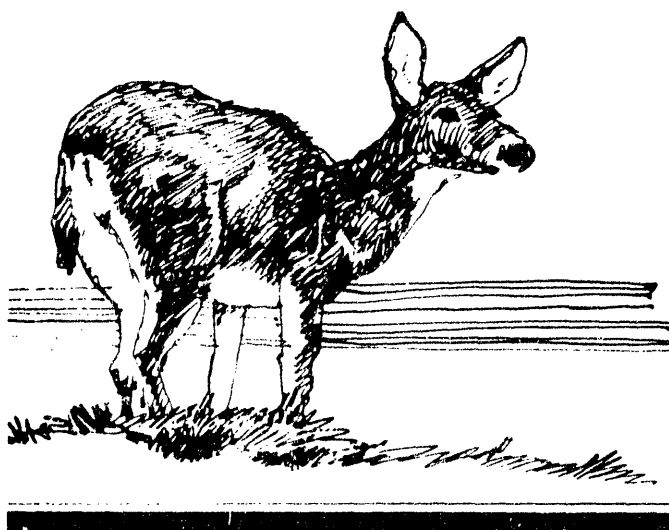
(w) A mentally retarded individual participates in a behavior modification program involving use of restraints or aversive stimuli only with the informed consent of the parent or guardian.

Issued in Austin, Texas, on September 29, 1976.

Doc No 765117     Raymond W. Vowell  
                          Commissioner  
                          State Department of Public  
                          Welfare

Effective Date: June 28, 1976

For further information, please call (512) 475-4601.



## Intermediate Care III Facility

### Administrative Management 326.31.05

The State Department of Public Welfare adopts Rule 326.31.05.007 in compliance with recent changes to federal regulations relating to intermediate care facilities. This change was mandated by the Department of Health, Education, and Welfare (HEW) effective June 28, 1976.

This rule requires that the governing body of an intermediate care facility establish written policies for the recognition and maintenance of the rights of residents in the facility participating in the Medicaid program. The basis for this rule is HEW's desire to promote the physical and emotional well-being of the intermediate

care facility residents by setting forth certain rules with respect to the rights to be accorded residents by facility personnel and individual practitioners rendering treatment.

Pursuant to federal regulations and under the authority of Articles 695c and 695j-1, Texas Civil Statutes, the State Department of Public Welfare adopts the following rule.

.007. *Resident Rights.* The governing body of the facility establishes written policies (including policies listed in Rule 326.31.09.003) regarding the rights and responsibilities of residents and, through the administrator, is responsible for development of and adherence to procedures implementing such policies. These policies and procedures are made available to residents, guardians, next of kin, sponsoring agencies, representative payees, and to the public. The staff of the facility is trained and involved in the implementation of these policies and procedures.

Issued in Austin, Texas, on September 29, 1976.

Doc. No. 765118     Raymond W. Vowell  
                          Commissioner  
                          State Department of Public  
                          Welfare

Effective Date: June 28, 1976

For further information, please call (512) 475-4601.

## Resident Care and Rehabilitation 326.31.09

The State Department of Public Welfare adopts Rule 326.31.09.003 in compliance with recent changes to federal regulations relating to intermediate care facilities. This change was mandated by the Department of Health, Education, and Welfare (HEW) effective June 28, 1976.

This requirement provides for the recognition and maintenance of the rights of residents in intermediate care facilities participating in the Medicaid program. The basis for this rule is HEW's desire to promote the physical and emotional well-being of the intermediate care facility residents by setting forth certain rules with respect to the rights to be accorded residents by facility personnel and individual practitioners rendering treatment.

Pursuant to federal regulations and under the authority of Articles 695c and 695j-1, Texas Civil Statutes, the State Department of Public Welfare adopts the following rule.

### .003. Resident Rights.

(a) Only those persons are accepted or retained whose needs can be met by the facility directly or in cooperation with community resources or other providers of care with which it is affiliated or has contracts.

(b) As changes occur in their physical or mental condition necessitating service or care which cannot be adequately provided by the facility, residents are transferred promptly to hospitals, skilled nursing facilities, or other appropriate facilities.

(c) Prior to or at the time of admission to the facility, each resident is fully informed of his rights and responsibilities as a resident and of all rules and regulations governing resident conduct and responsibilities. A receipt from the resident, guardian, or receipt with third-person witness in the case of a mentally retarded individual, acknowledging awareness of rights, responsibilities, conduct, rules, and regulations is required.

(d) There shall be written policies governing access to, duplication of, and dissemination of information from the resident's record.

(e) Each resident is encouraged and assisted throughout his period of stay to exercise his rights as a resident and as a citizen and to this end may voice grievances and recommend changes in policies and services to facility staff and/or to outside representatives of his choice, free from restraint, interference, coercion, discrimination, or reprisal.

(f) There are clearly defined procedures for submitting complaints and recommendations by residents and for assuring response and disposition.

(g) Each resident is fully informed in writing prior to or at the time of admission and during stay of services available in the facility and of related charges, including all charges for services not covered under Title XIX of the Social Security Act or not covered by the authorized monthly vendor rate.

(h) Each resident is treated with consideration, respect, and full recognition of his dignity and individuality, including privacy in treatment and in care for his personal needs.

(i) No resident may be required to perform services for the facility.

(j) Each resident may associate and communicate privately with persons of his choice, unless to do so would infringe upon the rights of other residents, and send and receive his personal mail unopened, unless medically contraindicated as documented by his physician in his resident record.

(k) Each resident may manage his personal financial affairs; and to the extent under written authorization by the resident or guardian that the facility assists in such management, it is carried out in accordance with item (g).

(l) Each resident may participate in activities of social, religious, and community groups at his discretion, unless medically contraindicated for reasons documented in his resident record by his physician, or, in the case of a mentally retarded person, by a qualified mental retardation professional.

(m) Each resident may retain and use his personal clothing and possessions as space permits.

(n) Each resident, if married, is assured privacy for visits by his or her spouse; if both are residents in the facility, they are permitted to share a room, unless medically contraindicated as documented by the attending physician in his resident record.

(o) All rights and responsibilities of the resident devolve to the resident's guardian, next of kin, or sponsoring agency(ies) where:

(1) a resident is adjudicated incompetent in accordance with state law, or

(2) his physician, or, in the case of a mentally retarded individual, a qualified mental retardation professional, has documented in the resident's record the specific impairment that has rendered the individual incapable of understanding these rights.

(p) Each resident is fully informed by a physician of his medical condition, unless medically contraindicated as documented by a physician in his resident record, is afforded the opportunity to participate in the planning of his total care and medical treatment and to refuse treatment, and participates in experimental research only upon his informed written consent.

(q) Except in emergency cases, the resident, next of kin, attending physician, guardian, or representative payee shall be consulted at least five days in advance of any resident transfer or discharge.

(r) Each resident is transferred or discharged only for medical reasons, or for his welfare or that of other residents, or for non-payment for his stay (except as prohibited by Title XIX of the Social Security Act).

(s) Each resident is free from mental and physical abuse and free from chemical and physical restraint except when authorized in writing by a physician for a specified and limited period of time or when necessary in an emergency to protect the patient from injury to himself or to others.

(t) Policies define the use of chemical and physical restraints, identify professional personnel who may authorize the application of restraints in emergencies, and describe the mechanism for monitoring and controlling their use.

(u) Restraints authorized by a designated professional are promptly reported by this individual to the physician describing the action taken and in the case of a mentally retarded individual when authorized in writing by a physician or qualified mental retardation professional for use during behavior modification sessions.

(v) Each resident is ensured confidential treatment of all information contained in his records, including information contained in an automatic data bank; and his written consent is required for the release of information to persons not otherwise authorized under law to receive it.

(w) A mentally retarded individual participates in a behavior modification program involving use of restraints or aversive stimuli only with the informed consent of the parent or guardian.

Issued in Austin, Texas, on September 29, 1976.

Doc. No. 765119      Raymond W. Vowell  
                                  Commissioner  
                                  State Department of Public  
                                  Welfare

Effective Date: June 28, 1976

For further information, please call (512) 475-4601.

## Texas Water Quality Board

### Regionalization

#### Cypress Creek Watershed 130.02.03.002-.006

The Texas Water Quality Board is withdrawing its proposed amendments to Rules 130.02.03.002-.006, which were published in the August 24, 1976, issue (Volume 1, Number 66) of the *Texas Register*. A proposed repeal to these rules is being submitted in a separate action.

Filed: September 29, 1976, 11:39 a.m.

Doc. No. 765130

#### 130.02.03.007-.015

The Texas Water Quality Board is withdrawing its proposed repeal to Rules 130.02.03.007-.015, which was published in the August 24, 1976, issue (Volume 1, Number 66) of the *Texas Register*. A proposed repeal to Rules 130.02.03.002-.015 is being submitted in a separate action.

Filed: September 29, 1976, 11:40 a.m.

Doc. No. 765132

## Construction Grants

### Priority Funding Lists-- July, 1976

#### 130.03.02

The Texas Water Quality Board, at its regular meeting on July 30, 1976, adopted a Municipal Construction Grants Priority Funding List.

The Municipal Construction Grants Priority Funding List is a listing of the cities and districts that have applied for construction grant funds under Public Law 92-500, the Federal Water Pollution Control Act, as amended, and designates which cities and districts are currently in the available fund for this fiscal year. The list must be approved by both the Texas Water Quality Board and the Environmental Protection Agency pursuant to that statute. The Texas Water Quality Board has now approved this rule and approval from the Environmental Protection Agency is expected within the next two weeks.

A hearing commission of the Texas Water Quality Board conducted a public hearing on June 30, 1976, in order to receive evidence which was relevant and material to the proposed Municipal Facilities Construction Grant Priority Funding List for Fiscal Year 1977. The proposed list ranks projects according to the Municipal Funding Construction Grant Priority Rating Process and includes projects received prior to December 31, 1975.

The Texas Water Quality Board is adopting by reference all rules contained in the Priority Funding List. Copies of the Priority Funding List of July, 1976, are available for inspection in the Texas Water Quality Board office in the Stephen F. Austin Building in Austin and in the *Texas Register* office, Room 550, Texas Commodore Building, Austin.

These rules are promulgated pursuant to the authority of Section 21.070 of the Texas Water Code, Vernon's Annotated Texas Statutes.

.003. *Adoption by Reference.* The Texas Water Quality Board adopts by reference all rules contained in the Priority Funding List of July, 1976.

Issued in Austin, Texas, on September 28, 1976.

Doc. No. 765133      William E. Berger  
                                  Staff Assistant  
                                  Texas Water Quality  
                                  Board

Effective Date: October 19, 1976

For further information, please call (512) 475-7891.

The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes the date and time of filing. Notices are posted on the bulletin board outside the offices of the Secretary of State on the first floor in the East Wing of the State Capitol.

## Texas Aeronautics Commission

### Meeting

A meeting of the Texas Aeronautics Commission will be held on Tuesday, October 12, 1976, 10 a.m., in Room 618, Stephen F. Austin Building, 18th and Congress, Austin. The commission will elect officers; consider applications and certificates; adopt proposed air carrier regulations and aviation facilities development rules; and consider grants. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from John G. Soule, P. O. Box 12607, Capitol Station, Austin, Texas 78711, telephone (512) 475-4768.

Filed: September 28, 1976, 9:50 a.m.

Doc. No. 765089

## Texas Air Control Board

### Hearing

A hearing before an examiner for the Texas Air Control Board will be held on Tuesday, November 9, 1976, 1 p.m., at the Bradford Community Center, 817 Culwell, San Angelo, to determine whether or not there have been emissions of odor from the operations of San Angelo Wool Processing Company in violation of Section 4.01(a) of the Texas Clean Air Act and General Rule 5 of the Texas Air Control Board.

Additional information may be obtained from Allen E. Bell, 8520 Shoal Creek Boulevard, Austin, Texas 78758, telephone (512) 451-5711, extension 350.

Filed: September 29, 1976, 12:01 p.m.

Doc. No. 765137

## Texas Commission on Alcoholism

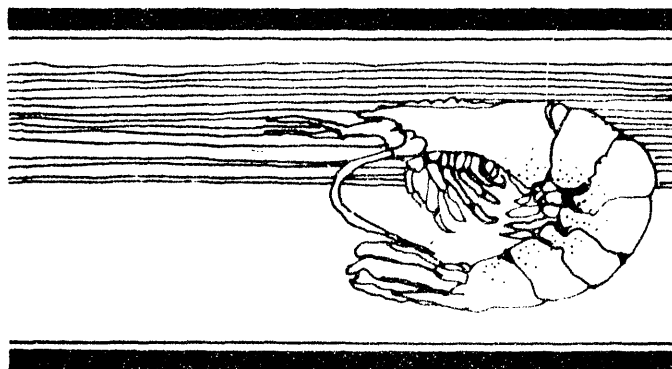
### Meeting

A meeting of the Treatment and Rehabilitation Standing Committee of the Texas Commission on Alcoholism will be held on Thursday and Friday, October 14 and 15, 1976, 1:30 p.m., at the Adolphus Hotel and Municipal Building, Dallas, to discuss the treatment and rehabilitation needs of alcoholics and alcohol abusers.

Additional information may be obtained from Manuel Fernandez, 809 Sam Houston Building, Austin, Texas 78701, telephone (512) 475-2577.

Filed: September 30, 1976, 9:26 a.m.

Doc. No. 765139



## Texas Coastal and Marine Council

### Meeting

A meeting of the Texas Coastal and Marine Council will be held on Friday, October 15, 1976, 9 a.m., at City Council Chambers, Port Arthur, to discuss water development planning in Texas, and the General Land Office's coastal management program recommendations.

Additional information may be obtained from Jenny Hanson, P.O. Box 13407, Austin, Texas 78711, telephone (512) 475-5830.

Filed: September 30, 1976, 10:51 a.m.

Doc. No. 765144

## Comptroller of Public Accounts

### Hearings

Hearings by the Texas Tax Forum, comprising the Comptroller's Office, House Committee on Ways and Means, and Members of Texas Senate, will be held October 13 through December 10, 1976, at the following times and places:

October 13, 10 a.m.: Republic of Texas Room, Rice Rittenhouse Hotel, 917 Texas Avenue, Houston

October 14, 9 a.m.: Medallion Room, Bryan Utilities Building, 300 South Washington, Bryan

October 20, 10 a.m.: The Institute of Texan Cultures, Durango and Bowie, San Antonio

October 21, 9 a.m.: Municipal Court Room, City Hall, 105 West Juan Linn, Victoria

October 21, 2 p.m.: City Council Chamber, City Hall, 302 South Shoreline Drive, Corpus Christi

October 22, 9 a.m.: Stillman Hall, Fort Brown, 600 International Boulevard, Brownsville

November 8, 10 a.m.: Chamber of Commerce, 1 Civic Center Plaza, El Paso

November 9, 9 a.m.: City Commission Chamber, 509 East 7th, Amarillo

November 9, 2 p.m.: City Council Chamber, 916 Texas Avenue, Lubbock

November 10, 9 a.m.: Room 214, Ector County Courthouse, 300 North Grant, Odessa

November 10, 2 p.m.: Room 203, Houston Hart University Center, Angelo State University, San Angelo

December 6, 10 a.m.: Karcher Hall, SMU Law School, Hillcrest at Daniel, Dallas

December 7, 9 a.m.: City Hall Auditorium, West Ferguson at North Bonner, Tyler

December 7, 2 p.m.: City Council Room, Memorial Auditorium, 1300 7th Street, Wichita Falls

December 8, 9 a.m.: City Hall Council Room, First at Franklin, Waco

December 9, 10 a.m.: Capital Building, Old Supreme Court Room, Austin

The purpose of the meetings is to ascertain publicly the ideas, sentiments, and desires of the people of Texas concerning the possible revision and/or simplification of present tax laws and their administration, and requirements for compliance by the taxpayer.

Additional information may be obtained from Tom Henderson, Office of the Comptroller, LBJ State Office Building, Austin, Texas 78701, telephone (512) 475-3825.

Filed: September 13, 1976, 11:41 a.m.

Doc. No. 764806

## Executive and Legislative Budget Offices

### Meeting Rescheduled

A meeting of the Executive and Legislative Budget Offices with the Commission on Jail Standards has been rescheduled for Wednesday, October 6, 1976, 2:30 p.m., in Room 301, State Capitol, Austin.

Additional information may be obtained from the Legislative Budget Office, Room 207-A, State Capitol, Austin, Texas 78711, telephone (512) 475-3426.

Filed: September 27, 1976, 2:42 p.m.

Doc. No. 765080

## Texas Health Facilities Commission

### Meeting

A meeting of the Texas Health Facilities Commission will be held on Thursday, October 7, 1976, 10 a.m., in Suite 450, One Highland Center, 314 Highland Mall Boulevard, Austin, to discuss applications for certificates of need, declaratory rulings, exemption certificates, and administrative orders. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from William D. Darling, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: September 29, 1976, 11:38 a.m.

Doc. No. 765127

## Texas Industrial Commission

### Meeting

The regular quarterly meeting of the commissioners of the Texas Industrial Commission will be held on Thursday and Friday, October 21 and 22, 1976, beginning at 9 a.m. Thursday, in the Steel and Rice Rooms, Jack Tar Hotel, Orange. The agenda includes action on the financial statements, reports by division directors, the budget report, and presentation of the Rural Industrial Development Act loan application.

Additional information may be obtained from Edwin F. G. Latta, P.O. Box 12728, Capitol Station, Austin, Texas 78711, telephone (512) 475-5551.

Filed: September 28, 1976, 9:50 a.m.  
Doc. No. 765090

## State Board of Insurance

### Hearing

A hearing of the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, October 6, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider reconsideration of Commissioner Order 51385, dated December 10, 1975, disapproving Policy Form 76257 of American General Life Insurance Company.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: September 28, 1976, 9:50 a.m.  
Doc. No. 765091

### Hearing

A hearing of the Commissioner's Hearing Section of the State Board of Insurance will be held on Wednesday, October 13, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin, to consider an application for approval of reinsurance agreement between Allan W. Dees and Sons Insurance Company, Kaufman, and Vantage Insurance Company, Dallas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: September 28, 1976, 9:50 a.m.  
Doc. No. 765092

### Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Thursday, October 14, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin. The hearing concerns the reconsideration of Commissioner's Order No. 53545, dated June 21, 1976, disapproving Policy Form No. GDPCPS 4-76 of World Service Life Insurance Company.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: September 28, 1976, 9:50 a.m.  
Doc. No. 765093

### Hearing

A hearing by the Commissioner's Hearing Section of the State Board of Insurance will be held on Tuesday, October 19, 1976, 2 p.m., in Room 343, 1110 San Jacinto Street, Austin. The section will consider the application for Group I Life Insurance Agents License by Brian Wilson Taylor of Dallas.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4230.

Filed: September 28, 1976, 9:51 a.m.  
Doc. No. 765094

### Hearing

Workmen's compensation hearing by the State Board of Insurance will be held on Wednesday, October 27, 1976, 9 a.m., in the Old Supreme Court Room, 3rd Floor, State Capitol, Austin, to consider rates, rules, and plans.

Additional information may be obtained from William J. Harding, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: September 28, 1976, 9:51 a.m.  
Doc. No. 765095

## Legislative Budget Board

### Emergency Meeting

An emergency meeting of the Legislative Budget Board was held on Monday, October 4, 1976, in Room 301, State Capitol, Austin, to consider appropriation requirements for the 1978-79 biennium.

Additional information may be obtained from the Legislative Budget Office, Room 207-A, State Capitol, Austin, Texas 78711, telephone (512) 475-3426.

Filed: September 29, 1976, 10:02 a.m.

Doc. No. 765108

## Texas Legislative Council Meeting

A meeting of the Property Tax Study Commission of the Texas Legislative Council will be held on Saturday and Sunday, October 16 and 17, 1976, 10 a.m., in Room 301, State Capitol, Austin, to consider collections and delinquency.

Additional information may be obtained from Ron Patterson, P.O. Box 12128, Austin, Texas 78711, telephone (512) 475-2736.

Filed: September 28, 1976, 11:03 a.m.

Doc. No. 765098

## Texas Medical Professional Liability Study Commission

A meeting of the Texas Medical Professional Liability Study Commission will be held Friday, October 15, 1976, 10 a.m., in the Senate Chamber, State Capitol, Austin. The agenda includes patients' compensation fund, periodic payments, itemized damages, statute of limitations, and self-insured trusts.

Additional information may be obtained from William Wade, G-38, State Capitol, Austin, Texas 78711, telephone (512) 475-4240.

Filed: September 27, 1976, 3:51 p.m.

Doc. No. 765084

## Board of Pardons and Paroles

### Meeting

A meeting of the Board of Pardons and Paroles will be held Tuesday through Friday, October 12-15, 1976, 9 a.m. each day, at 711 Stephen F. Austin Building, Austin. The board will review cases of inmates for

parole consideration, act on emergency reprieve requests and other acts of executive clemency, and review reports regarding persons on parole.

Additional information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3363.

Filed: September 28, 1976, 4:17 p.m.

Doc. No. 765104

## Texas Parks and Wildlife Department

### Meeting

A meeting of the Fisheries Division, Environmental Branch, of the Texas Parks and Wildlife Department will be held on Tuesday, October 19, 1976, 3 p.m., in the 2nd floor conference room, Building A, 4200 Smith School Road, Austin, to consider the application of R. D. Williams to dredge or otherwise remove marl from Dickinson Bay.

Additional information may be obtained from C. E. Sharp, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4831.

Filed: September 30, 1976, 9:26 a.m.

Doc. No. 765140

## Public Utility Commission of Texas

### Meeting

A meeting of the Public Utility Commission of Texas will be held on Monday, October 18, 1976, 10 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider Docket 88, an application of Houston Lighting and Power Company for a certificate of convenience and necessity for the Allen's Creek Nuclear Generating Station and related transmission lines located within Austin, Waller, Harris, and Fort Bend Counties.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: September 30, 1976, 11:17 a.m.

Doc. No. 765145

## Meeting

A meeting of the Public Utility Commission of Texas will be held on Tuesday, October 19, 1976, 9:30 a.m., in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider Docket 89, an application of Southwestern Electric Power Company for a certificate of convenience and necessity for a certain area within Wood County.

Additional information may be obtained from Roy J. Henderson, Suite 450N, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone (512) 475-7921.

Filed: September 30, 1976, 11:17 a.m.

Doc. No. 765146

## Railroad Commission of Texas

### Emergency Additions to Agenda

Emergency additions were made to the agenda of a meeting of the Gas Utilities Division of the Railroad Commission of Texas held on Tuesday, September 28, 1976, 9 a.m., at the E. O. Thompson Building, Austin, to include consideration of applications by Houston Chemical Company/Mobil Oil Corporation, Harkins & Company, Lone Star Gas Company, and Suntide Refining Company. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Paul Herrmann, P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-2747.

Filed: September 27, 1976, 2:16 p.m.

Doc. No. 765070-765072, 765085

### Hearing Postponed

The hearing of the Transportation Division of the Railroad Commission of Texas to have been held on Monday, October 4, 1976, 9 a.m., at the E. O. Thompson Building, 10th and Colorado, Austin, has been postponed. The commission has been restrained by court order (Cause No. 252,861-- Fort Worth and Denver Railroad Company *et al.* v. Railroad Commission of Texas *et al.*, 200th Judicial District, Travis County, Texas) from conducting the public hearing on Proposed Rule 051.03.90.001 (maintenance of railroad track over which unit trains of coal are transported) and as published in the *Texas Register* (Volume 1, Number 68, pages 2412-2414), August 31, 1976. This hearing has been postponed until this litigation has been resolved.

Additional information may be obtained from Joseph J. Piotrowski, Jr., P.O. Box 12967, Capitol Station, Austin, Texas 78711, telephone (512) 475-4738.

Filed: September 28, 1976, 2:09 p.m.

Doc. No. 765103

## Texas Real Estate Research Center

### Meeting

A meeting of the Advisory Committee of the Texas Real Estate Research Center will be held on Friday, October 8, 1976, 9:30 a.m., in Room 502, Rudder Tower, Texas A & M University, College Station. The agenda includes approval of the 1975-76 annual report, review of a report on Real Estate Teacher Needs and Qualifications, and election of the 1976-77 committee chairman.

Additional information may be obtained from Alvin B. Wooten, TRERC, Texas A & M, 209 Geosciences, College Station, Texas 77843, telephone (713) 845-5031.

Filed: September 28, 1976, 9:16 a.m.

Doc. No. 765087

## Texas State Soil and Water Conservation Board

### Meeting

A meeting of the Texas State Soil and Water Conservation Board will be held on Tuesday, October 12, 1976, 2 p.m. in Room 242, LaQuinta Motel, 10th Street, McAllen, to approve and discuss district director appointments, district zone changes, watershed activities, and finalizing program for annual state meeting.

Additional information may be obtained from Harvey Davis, 1009 First National Building, Temple, Texas 76501, telephone (817) 773-2250.

Filed: September 28, 1976, 11:03 a.m.

Doc. No. 765099



## Meeting

A meeting of the Texas State Soil and Water Conservation Board will be held on Wednesday and Thursday, October 13 and 14, 8 a.m., at Civic Center, McAllen, to conduct the annual statewide meeting of Soil and Water Conservation District Directors.

Additional information may be obtained from Harvey Davis, 1009 First National Building, Temple, Texas 76501, telephone (817) 773-2250.

Filed: September 28, 1976, 11:03 a.m.

Doc. No. 765100

## Texas Southern University

A meeting of the Board of Regents of Texas Southern University will be held on Thursday, October 7, 1976, 10 a.m., in Room 117, Board Conference Room, 3201 Wheeler Avenue, Houston. Financial, curriculum, and personnel matters will be discussed.

Additional information may be obtained from Everett O. Bell, 3201 Wheeler, Houston, Texas 77004, telephone (713) 529-8911.

Filed: September 27, 1976, 1:33 p.m.

Doc. No. 765069

## Texas Tech University

### Meeting

A meeting of the Board of Regents of Texas Tech University was held at 5 p.m. Thursday and 10 a.m. Friday, September 30 and October 1, 1976, in the Board of Regents Suite, Administration Building, on the Texas Tech campus, Lubbock. The board conducted an executive session on Thursday. Friday's agenda included committee reports and action on the Committee of the Whole, Academic and Student Affairs, Campus and Building, Public Affairs, Development and University Relations, Finance, and Athletic Affairs. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: September 27, 1976, 1:33 p.m.

Doc. No. 765067

## Meeting

A meeting of the Board of Regents of the Texas Tech University School of Medicine was held at 5 p.m. Thursday and 8:30 a.m. Friday, September 30 and October 1, 1976, in the Board of Regents Suite, Administration Building, Texas Tech campus, Lubbock. The agenda included an executive session on Thursday and committee reports on Academic and Student Affairs, Campus and Building, Finance, Public Affairs, Development and University Relations on Friday. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: September 27, 1976, 1:33 p.m.

Doc. No. 765068

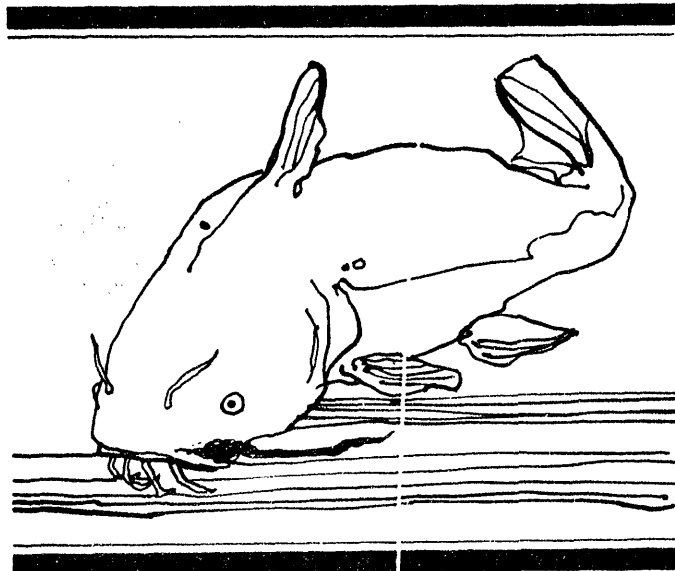
## Emergency Addition to Agenda

An emergency addition to the agenda for a Texas Tech University Board of Regents meeting held October 1, 1976, at 10 a.m., was made to include authorization of lower tuition fees for foreign students. This emergency addition is required by certain needy students registering from Vietnam and Cambodia.

Additional information may be obtained from Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, telephone (806) 742-2161.

Filed: September 29, 1976, 10:40 a.m.

Doc. No. 765126



## University of Texas System

### Meeting

A meeting of the Board of Regents of The University of Texas System was held on Friday, October 1, 1976, 9 a.m., in the Embassy Room, Shamrock Hilton Hotel, Main Street and Holcombe Boulevard, Houston. The agenda included budgetary amendments; affiliation agreements; academic and development matters; termination of Evening School, U.T. Austin; beer and wine permit, U.T. San Antonio; alcoholic beverage permit, Lutch Center; buildings and grounds matters; policies on patient care; land and investment matters; establishment of nursing advisory councils, nominees to development boards and other advisory councils; patent agreement. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Betty Anne Thedford, Box N, UT Station, Austin, Texas 78712, telephone (512) 471-1265.

Filed: September 27, 1976, 2:19 p.m.

Doc. No. 765073

## Veterans Land Board

### Emergency Meeting

An emergency meeting of the Veterans Land Board of the General Land Office will be held on Tuesday, October 5, 1976, 2 p.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to set the date for reopening the Veterans Land Program and related policies and procedures.

Additional information may be obtained from Richard Keahey, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-3766.

Filed: September 28, 1976, 1:26 p.m.

Doc. No. 765102

## Texas Water Quality Board

### Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Tuesday, October 26, 1976, 10 a.m., at the Houston-Galveston Area Council Conference Room, 3701 West Alabama, Houston, to consider applications by E. I. du Pont de Nemours & Company, Inc., P.O. Box 347, La Porte, Texas 77571,

Permit 00474; Hughes Tool Company, P.O. Box 2539, Houston, Texas 77001, Permit 01046; City of League City (Plant 3), 300 West Walker, League City, Texas 77573, Permit 10568; Gulf Coast Waste Disposal Authority (Dove Meadows Central Plant), 910 Bay Area Boulevard, Houston, Texas 77058, Permit 11215; and Harris County Municipal Utility District No. 82, c/o Vinson, Elkins, Searls, Connally, and Smith, First City National Bank Building, Houston, Texas 77002. The complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Jack Cox, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7856.

Filed: September 27, 1976, 2:43 p.m.

Doc. No. 765081

### Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Monday, November 1, 1976, 9 a.m., at Room 613, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, to consider an application for an amendment to Permit 01672 by Brownwood Cattle Auction, Inc., P.O. Box 1646, Brownwood, Texas 76801. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Joe O'Neal, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7851.

Filed: September 27, 1976, 2:43 p.m.

Doc. No. 765082

### Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Thursday November 4, 1976, 1 p.m., at the San Antonio River Authority Building Conference Room, 100 East Guenther, San Antonio, to consider applications by Tesoro Petroleum Corporation, P.O. Box 6156, Carrizo Springs, Texas, Permit 01348; Colorado County Water Control and Improvement District 2, P.O. Box 6317, Garwood, Texas 77442, Permit 10152; and the City of Asherton, P.O. Box 368, Asherton, Texas 78827. The complete notice is posted in East Wing of the State Capitol.

Additional information may be obtained from Jack Cox, P.O. 13246, Capitol Station, Austin, Texas 78711 telephone (512) 475-7856.

Filed: September 27, 1976, 2:44 p.m.

Doc. No. 765083

## Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Friday, November 5, 1976, 10 a.m., at the Brazos River Authority Building Conference Room, 4400 Cobbs Drive, Waco, to consider applications by McLennan County Water Control and Improvement District, No. 2, P.O. Box 166, Elm Mott, Texas 76640, Permit 10344; City of Copperas Cove (Northwest and Northeast Plants), P.O. Drawer 280, Copperas Cove, Texas 76552, Permit 10045; City of Navasota, P.O. Box 128, Navasota, Texas 77868, Permit 10231; Bell County Water Control and Improvement District No. 1, P.O. Box 68, Moody, Texas 76557, Permit 10225. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Joe O'Neal, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7851.

Filed: September 28, 1976, 10:19 a.m.  
Doc. No. 765096

## Hearing

A hearing by the Hearings Division of the Texas Water Quality Board will be held on Tuesday, November 9, 1976, 1 p.m., in the Houston-Galveston Area Council Conference Room, 3701 West Alabama, Houston, to consider applications for permits by East Montgomery County Municipal Utility District Number 2, c/o Fisher and Willatt, Attorneys, Suite 1225, Southwest Tower, Austin, Texas 78701; City of China, P.O. Box 516, China, Texas 77613; and Warren Petroleum Company, P.O. Box 485, Galena Park, Texas 77547. The division will also consider applications for amendments to permits of Trinity Bay Conservation District, Oak Island Area Plant, P.O. Box 480, Anahuac, Texas 77514, Permit 11537 and Smith Point Area Sewage Treatment Plant, same address as above, Permit 11681; Montgomery County Water Control and Improvement District Number 1, 25611 Spreading Oaks, Spring, Texas 77373, Permit 10857.

Additional information may be obtained from Larry Soward, P.O. Box 13246, Capitol Station, Austin, Texas 78711, telephone (512) 475-7856.

Filed: September 30, 1976, 10:45 a.m.  
Doc. No. 765143

## Texas Water Rights Commission

### Meeting

A meeting of the Texas Water Rights Commission will be held on Wednesday, October 6, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider Applications CA-362 for a permit by Comanche Horizon Corporation. The Application No. CA-362 complete agenda is posted in the East Wing of the State Capitol.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: September 28, 1976, 10:27 a.m.  
Doc. No. 765097

### Meeting

A meeting of the Texas Water Rights Commission will be held on Wednesday, November 10, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application for extension of time by White River Municipal Water District, Permit 2590. The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: September 29, 1976, 10:02 a.m.  
Doc. No. 765106

### Meeting

A meeting of the Texas Water Rights Commission will be held on Wednesday, November 24, 1976, 10 a.m., at the Stephen F. Austin Building, 1700 North Congress, Austin, to consider an application for extension of time by the Edwards Underground Water District, Permit 1903(A). The complete notice is posted in the East Wing of the State Capitol.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13207, Austin, Texas 78711, telephone (512) 475-4514.

Filed: September 29, 1976, 10:01 a.m.  
Doc. No. 765107

## Quasi-State Agencies

### Meetings Filed September 27, 1976

*The Central Texas Council of Governments*, Executive Committee, will meet at the National Guard Armory, Gatesville, on October 14, 1976, at 11:30 a.m. Further information may be obtained from Pam Vernon, P.O. Box 729, Belton, Texas 76513, telephone (817) 939-1801.

*The Houston-Galveston Area Council*, Project Review Committee, will meet at 3701 West Alabama, Houston, on October 5, 1976, at 9:30 a.m. Further information may be obtained from Stevie Walters, 3701 West Alabama, Houston, Texas 77027, telephone (713) 627-3200.

Doc. No. 765066

### Meetings Filed September 28, 1976

*The Lower Colorado River Authority* will meet at 3700 Lake Austin Boulevard, Austin, on October 5, 1976, at 2 p.m. Further information may be obtained from Charles Herring, P.O. Box 220, Austin, Texas 78767, telephone (512) 474-5931.

Doc. No. 765101

### Meetings Filed September 29, 1976

*The Colorado River Municipal Water District*, Board of Directors, will meet at 400 East 24th Street, Big Spring, on October 7, 1976, at 10 a.m. Further information may be obtained from O. H. Ivie, Box 869, Big Spring, Texas 79720, telephone (915) 267-6341.

*The South Texas Development Council*, Board of Directors, met in the Court Room, County Courthouse, Zapata, on October 1, 1976, at 10 a.m. Further information may be obtained from Amando Garza, Jr., P.O. Box 1366, Laredo, Texas 78040, telephone (512) 722-3995.

*The Panhandle Regional Planning Commission*, Panhandle Regional Alliance for Alcohol/Drug Abuse, will meet in the Pavilion Auditorium, 7201 Evans Street, Amarillo, on October 13, 1976, at 1 p.m. Further information may be obtained from George Louder, P.O. Box 9257, Amarillo, Texas 79105, telephone (806) 372-3381.

Doc. No. 765125

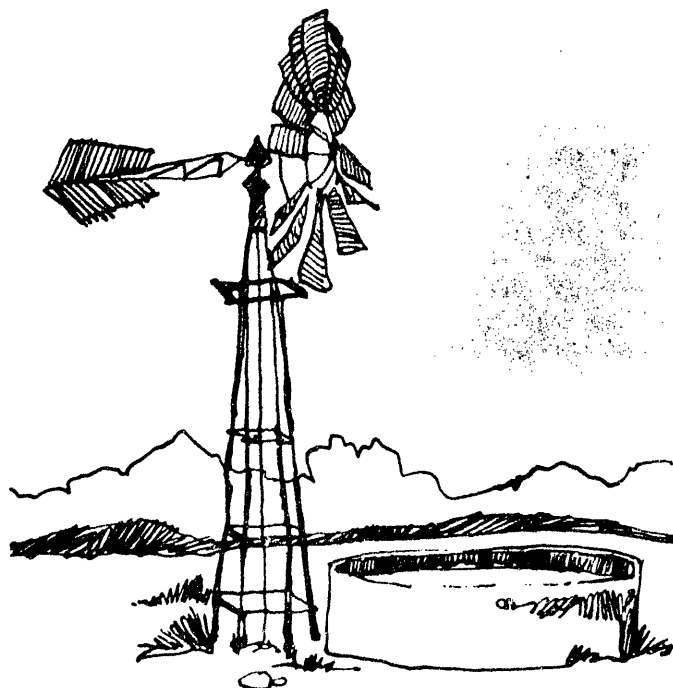
### Meetings Filed September 30, 1976

*The West Central Texas Council of Governments*, Sub-Region V, will meet at Tradewinds Restaurant, Highway 84 North, Coleman, on October 6, 1976, at noon. Further information may be obtained from Bob Allen III, P.O. Box 3195, Abilene, Texas 79604, telephone (915) 672-8544.

*The West Central Texas Council of Governments*, Sub-Region IV, will meet at Ramada Inn, Interstate Highway 20 East, Eastland, on October 7, 1976, at noon. Further information may be obtained from Bob Allen III, P.O. Box 3195, Abilene, Texas 79604, telephone (915) 672-8544.

*The West Central Texas Council of Governments*, Sub-Region III, will meet at Haskell Steak House, 1006 South Avenue E, Haskell, on October 8, 1976, at noon. Further information may be obtained from Bob Allen III, P.O. Box 3195, Abilene, Texas 79604, telephone (915) 672-8544.

Doc. No. 765147



## General Land Office

### Notice of Meeting

A meeting of the Advisory Committee of the Texas Coastal Management Program of the General Land Office will be held on Wednesday, October 6, 1976, 9 a.m., in Room 747B of the Host International Hotel at the Houston Intercontinental Airport, Houston. The Advisory Committee will consider the results of the series of public hearings held by the Texas Coastal Management Program in August and September.

Additional information may be obtained from Gary Catron, Texas Coastal Management Program, General Land Office, Austin, Texas 78701, telephone (512) 475-6902.

Filed September 29, 1976, 10 30 a.m.

Doc. No 765111

## Texas Health Facilities Commission

### Notice of Applications

Notice is given by the Texas Health Facilities Commission of applications (including a general project description) for declaratory rulings, exemption certificates, or administrative orders received during the period of September 21-27, 1976, and others not previously posted.

Should any person wish to contest the application for a declaratory ruling, exemption certificate, or administrative order, that person must file a notice of intent to contest the application with the chairman of the commission within 12 days after the enclosed listing is published. The first day for calculating this 12-day period is the first calendar day following the dating of the publishing. The 12th day will expire at 5 p.m. on the 12th consecutive day after said publishing if the 12th day is a working day. If the 12th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. When notice of intent to contest is mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, it must be postmarked no later than the day prior to the last day allowed for filing notice of intent to contest.

The contents and form of a notice of intent to contest an application for an exemption certificate, declaratory ruling, or administrative order must meet the minimum criteria set out in Rule 315.07.01.001(a)(4). Failure of a contesting party to supply the minimum necessary information in the correct form by the 12th day will result in a defective notice of intent to contest, and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. Regardless of whether or not an application is formally contested, it will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02, 3.03, or 6.02 of Article 4418(h), Vernon's Annotated Texas Statutes, and Rules 315.07.01.001, 315.07.03.001, and 315.07.06.001.

In the following notice, the applicant is listed first, the file number second, and the relief sought and project description third. EC indicates exemption certificate; DR indicates declaratory ruling; AO indicates administrative order.

Elgin Hospital Authority, Elgin

AH76-0921-011

DR-- Correction of Life Safety Code deficiencies and construction of a 20-bed replacement wing

El Paso Del Norte Hospital, El Paso

AH75-0616-005E

AO-- Request for 10-month extension on deadline to complete Section 6.02 approved project to construct a 200-bed acute-care hospital

Memorial Hospital of Garland, Garland

AH76-0924-004

EC - Lease of pho gamma camera to replace linear scanner currently in operation at Memorial Hospital

Jessie's Nursing Facility, Inc., Dallas

AN76-0924-001

EC-- Correction of Life Safety Code deficiencies

Southern Manor Nursing Home, San Antonio

AN76-0927-004

EC-- Construction of laundry building

Ben Taub General Hospital, Houston

AH76-0927-001

EC/DR-- Repair of surgical suite air conditioning system

Golden Age Manor, Houston

AN76-0927-017

EC-- Certification of a 50-bed unit as a Type III level of care facility

Issued in Austin, Texas, on September 29, 1976.

Doc. No. 765128

William D. Darling  
General Counsel  
Texas Health Facilities  
Commission

Filed: September 29, 1976, 11 39 a.m.

For further information, please call (512) 475-6940.

## The Legislature

Interim legislative committee hearings now being conducted before the January legislative session are subject to frequent changes in agendas and meeting cancellations. The meetings listed below may or may not have been altered on momentary notice. For current information relating to these meetings telephone the House Committee Clerks' Office at (512) 475-2213 for interim house committee meetings. For information concerning interim senate committee meetings, telephone the Research Director of the Senate at (512) 475-5818. Telephone numbers for each committee appear with each notice for persons desiring further specific information.

### House of Representatives

#### Meetings Filed September 29, 1976

**Committee on Agriculture and Livestock**, Old Supreme Court Room, State Capitol, Austin, on October 6, 1976, at 10:30 a.m. Telephone (512) 475-3275.

**Labor Subcommittee on Pension and Retirement Plans**, Number 43, 2815 Greenridge, Houston, on October 6, 1976, at 2 p.m. Telephone (512) 475-3691.

**Health and Welfare Subcommittee on Drug Abuse Education**, Woodstone Embassy Room, Houston Oaks Hotel, Houston, on October 7, 1976, at 10:30 a.m. Telephone (512) 475-3532.

**Committee on Public Education**, Southern Methodist University campus, Dallas, on October 8, 1976, at 9 a.m. Telephone (512) 475-3506.

**Business and Industry Subcommittee on Metric Conversion**, Fort Worth Hilton, Fort Worth, on October 8, 1976, at 10:30 a.m. Telephone (512) 475-2095.

**Business and Industry Subcommittee on Minority Business**, Fort Worth Hilton, Fort Worth, on October 8, 1976, on adjournment of Metric Conversion Subcommittee. Telephone (512) 475-2095.

**Business and Industry Subcommittee on International Trade Development Through Texas Ports**, Fort Worth Hilton, Fort Worth, on October 8, 1976, on adjournment of Minority Business Subcommittee. Telephone (512) 475-2095.

**Committee on Business and Industry**, Fort Worth Hilton, Fort Worth, on October 8, 1976, at 2 p.m. Telephone (512) 475-2095.

Filed September 29, 1976, 10 a.m.

Doc. No. 765105

## Texas Register

### Correction of Error

Rule 026 02 20 042, adopted by the Comptroller of Public Accounts, contained the following errors as published in the September 28, 1976 (Volume 1, Number 75) issue of the *Texas Register*.

(1) The article cited in Section 2B(v) should be Article 20.04 (DD), not 2.04 (DD).

(2) The next to last sentence of Section 3 should read: "The organization must inform the comptroller in writing of any change which might affect its exempt status."

(3) In Section 4 and 6(a), the reference to the Internal Revenue Code of 1954 should show an upper case "C" to read "Section 501(C)(2) "

### Correction of Error

The hearing notice for a meeting of the State Board of Insurance to be held on November 9, 1976, which appeared in the September 28, 1976, (Volume 1, Number 75) issue of the *Texas Register* should have specified that the amendments to be considered were to the manual for title insurance.

