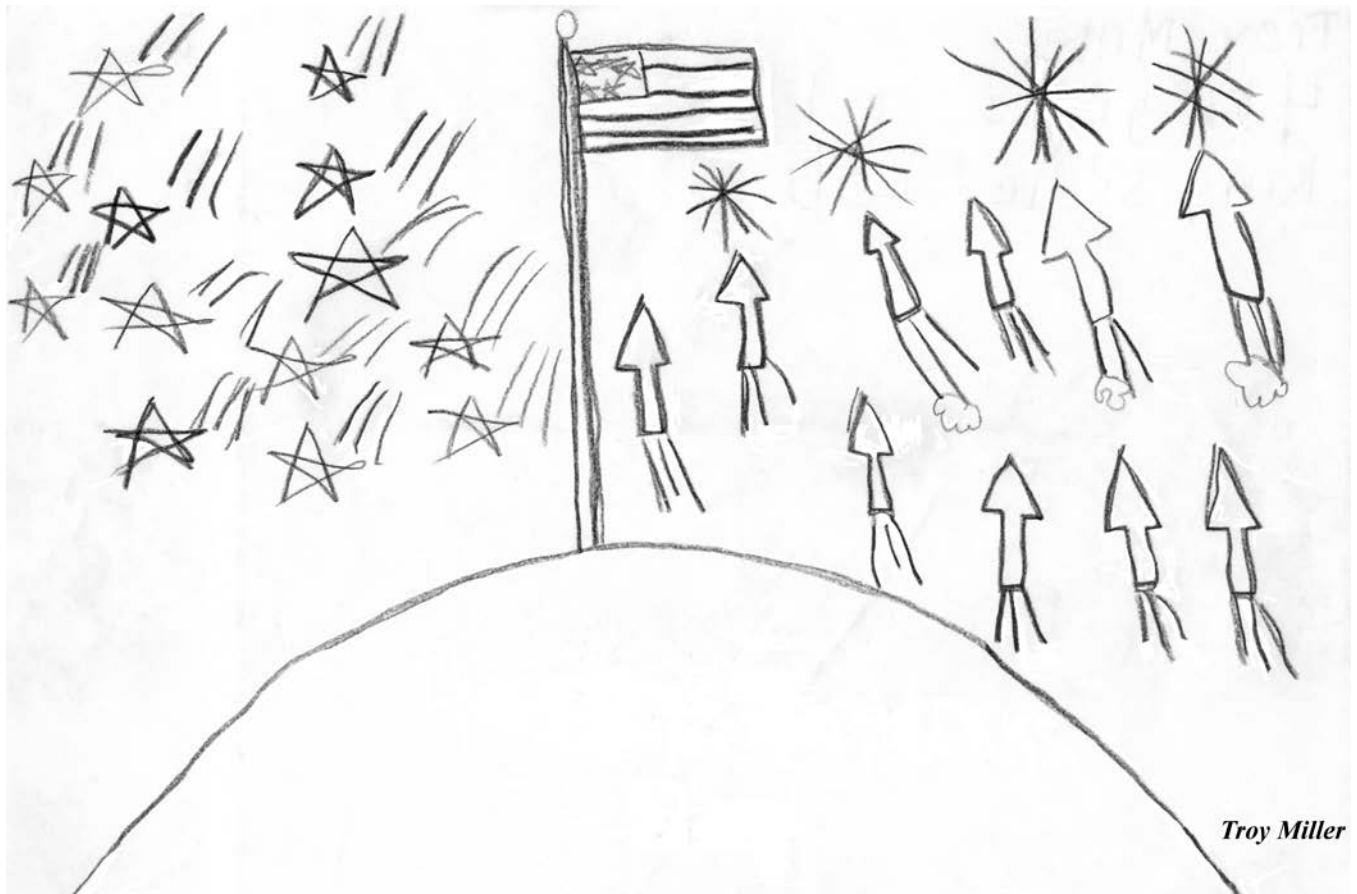

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PROPOSED RULES

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

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

TITLE 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 354. MEDICAID HEALTH SERVICES

SUBCHAPTER A. PURCHASED HEALTH SERVICES

DIVISION 33. ADVANCED TELECOMMUNICATIONS SERVICES

1 TAC §354.1434

The Texas Health and Human Services Commission (HHSC) proposes new §354.1434, concerning Home Telemonitoring Benefits and Limitations.

Background and Justification

Senate Bill (S.B.) 293, 82nd Legislature, Regular Session 2011, directs HHSC to expand services provided by use of advanced telecommunications services. S.B. 293 creates a new telemonitoring benefit, which is defined as the remote monitoring and transmission of a client's health data from the client's home. The proposed rule describes the new benefit and aligns with the reimbursement methodology rule in Chapter 355, Subchapter G, §355.7001, Reimbursement Methodology for Telemedicine and Telehealth Services, proposed for amendment elsewhere in this issue of the *Texas Register*.

Section-by-Section Summary

Proposed new §354.1434 describes the requirements for providing home telemonitoring services under the Texas Medicaid Program, including provider requirements, client requirements, and the Medicaid reimbursement methodology.

Fiscal Note

Greta Rymal, Deputy Executive Commissioner for Financial Services, has determined that during the first five-year period the new rule is in effect, there will be an anticipated net cost savings to state government, as the addition of telemonitoring as a Medicaid benefit is anticipated to result in fewer hospital readmissions and emergency room visits. However, the amount of cost savings cannot be determined for the following reasons:

(1) Like telemedicine and telehealth services, home telemonitoring services would be open to new providers, such as home health agencies and hospitals; there may be a cost savings related to these services due to decreased rehospitalizations and emergency room visits; but there is no available data to link these

cost savings to the program costs for providing the home telemonitoring services.

(2) The start-up costs associated with entrance to home telemonitoring is less than that for telemedicine and telehealth services; however, those costs are still somewhat high and not subject to reimbursement from Medicaid. This tends to indicate adoption and utilization would be depressed.

(3) As with telemedicine and telehealth, providers must be able to demonstrate quality of the equipment used, security of the data transmission line, and quality of encryption used for transmission. These requirements could present a barrier to entrance for some small providers and indicate that adoption and utilization would be depressed.

Additionally, the amendment to §355.7001 proposed elsewhere in this issue of the *Texas Register* sets out the reimbursement methodology for telemonitoring services. As indicated in the fiscal note for §355.7001, telemonitoring is expected to generate an overall cost savings to the state during the first five-year period that cannot be identified due to uncertainties in the factors related to the calculation. However, there are identifiable projected utilization costs for this new service and those are presented in the preamble for the amendment to §355.7001.

Ms. Rymal has also determined that, for each year of the first five years the rule will be in effect, there are no anticipated economic costs to persons required to comply with the proposed new rule. There is no anticipated negative impact on local employment.

Small and Micro-Business Impact Analysis

HHSC has determined that there will be no adverse economic effect on small businesses or micro-businesses to comply with the proposed new rule because participation in the telemonitoring program is entirely voluntarily and, therefore, no small business or micro-business will involuntarily incur an adverse economic impact.

Public Benefit

Chris Traylor, Chief Deputy Commissioner, has determined that for each year of the first five years the proposed new rule is in effect, the public will benefit from the adoption of the rule. The anticipated public benefit of enforcing the rule will be improved access to services, service efficiency, and quality.

Regulatory Analysis

HHSC has determined that this proposal is not a "major environmental rule" as defined by the Government Code, §2001.0225. A "major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the

public health and safety of the state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

Takings Impact Assessment

HHSC has determined that this proposal does not restrict or limit an owner's right to his or her private real property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under the Government Code, §2007.043.

Public Comment

Written comments on the proposal may be submitted to Sarah Mills, Senior Policy Analyst, Medicaid/CHIP Division, Texas Health and Human Services Commission, P.O. Box 85200, Austin, Texas 78708-5200, Mail Code H-310; by fax to (512) 462-2674; or by e-mail to sarah.mills@hhsc.state.tx.us within 30 days of the publication of this proposal in the *Texas Register*.

Statutory Authority

The new rule is proposed under Texas Government Code §531.033, which provides the Executive Commissioner of HHSC with broad rulemaking authority; Human Resources Code §32.021 and Texas Government Code §531.021(a), which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas; Texas Government Code §531.0216, which requires HHSC by rule to develop and implement a system to reimburse providers of services under the state Medicaid program for services performed using telemedicine medical services or telehealth services; and Texas Government Code §531.02164, which requires HHSC, if cost-effective and feasible, to establish by rule a program for reimbursement under Medicaid for home telemonitoring services.

The new rule affects the Human Resources Code, Chapter 32, and the Texas Government Code, Chapters 531. No other statutes, articles, or codes are affected by this proposal.

§354.1434. Home Telemonitoring Benefits and Limitations.

(a) Home telemonitoring services are a benefit of the Texas Medicaid Program as provided in this section and are subject to the specifications, conditions, limitations, and requirements established by the Texas Health and Human Services Commission or its designee (HHSC).

(b) Home telemonitoring services require scheduled remote monitoring of data related to a patient's health and transmission of the data to a licensed home health agency or a hospital, as those terms are defined by Government Code §531.02164(a).

(c) Home telemonitoring service providers must:

(1) comply with all applicable federal, state, and local laws and regulations;

(2) be enrolled and approved for participation in the Texas Medicaid Program as home telemonitoring service providers;

(3) bill for services covered under the Texas Medicaid Program in the manner and format prescribed by HHSC;

(4) share clinical information gathered while providing home telemonitoring services with the patient's physician; and

(5) not duplicate disease management program services provided under Human Resources Code §32.057 and further described in Division 32 of this subchapter (relating to Texas Medicaid Wellness Program).

(d) Home telemonitoring services are available only to Texas Medicaid clients who:

(1) are diagnosed with diabetes, hypertension, or any other conditions allowed by Government Code §531.02164 and determined by HHSC to be cost effective and feasible; and

(2) exhibit two or more of the following risk factors:

(A) two or more hospitalizations in the prior 12-month period;

(B) frequent or recurrent emergency room admissions;

(C) a documented history of poor adherence to ordered medication regimens;

(D) a documented history of falls in the prior six-month period;

(E) limited or absent informal support systems;

(F) living alone or being home alone for extended periods of time; and

(G) a documented history of care access challenges.

(e) Home telemonitoring services are reimbursed in accordance with Chapter 355 of this title (relating to Reimbursement Rates).

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 3, 2013.

TRD-201302793

Steve Aragon

Chief Counsel

Texas Health and Human Services Commission

Earliest possible date of adoption: August 18, 2013

For further information, please call: (512) 424-6900



CHAPTER 355. REIMBURSEMENT RATES SUBCHAPTER G. ADVANCED TELECOMMUNICATIONS SERVICES AND OTHER COMMUNITY-BASED SERVICES

1 TAC §355.7001

The Texas Health and Human Services Commission (HHSC) proposes to amend §355.7001, concerning Reimbursement Methodology for Telemedicine and Telehealth Services.

Background and Justification

HHSC proposes the amendment to §355.7001 to include the reimbursement methodology for home telemonitoring services. Senate Bill 293, 82nd Legislature, Regular Session 2011, directs HHSC to expand advanced telecommunications services to Medicaid recipients, including the use of home telemonitoring, which is defined as the remote monitoring of a patient's health and the transmission of that data to a licensed provider such as a home health agency. The amendment aligns the reimbursement methodology rule with the proposed new policy rule concerning the home telemonitoring program in Chapter 354, Subchapter A, Division 33, §354.1434, Home Telemonitoring Benefits and Limitations, proposed elsewhere in this issue of the *Texas Register*.

Section-by-Section Summary

HHSC proposes revisions to §355.7001 as follows:

Change the title of the rule to include home telemonitoring services.

Change the current rule language in subsection (a) to include home telemonitoring when referencing the corresponding program rules.

Update subsection (c)(2) to reflect a change in the title of §355.8081 that was proposed in the April 12, 2013, issue of the *Texas Register*.

Add new subsection (e) to describe the reimbursement methodology for home telemonitoring services.

Fiscal Note

Greta Rymal, Deputy Executive Commissioner for Financial Services, has determined that during the first five-year period the proposed amendment is in effect there will be a cost to the state government of \$343,163 for state fiscal year (SFY) 2014, \$485,467 for SFY 2015, \$505,450 for SFY 2016, \$525,723 for SFY 2017, and \$546,833 for SFY 2018. This cost estimate represents only the projected utilization and fees for this new service. However, there are significant uncertainties related to these possible costs. High-tech telemonitoring applications have relatively high start-up costs. These costs are not reimbursable by Medicaid, so there might not be a large number of new services of this type being performed. Further, lower overall costs, resulting in a net savings, can be expected based on fewer hospital readmissions and emergency room visits. The proposed rule will not result in any fiscal implications for local health and human services agencies. Local governments will not incur additional costs.

Ms. Rymal anticipates that there will be no economic cost to persons who are required to comply with the proposed amendment during the first five years the rule will be in effect. The amendment should not affect local employment.

Small and Micro-business Impact Analysis

HHSC has determined that there will be no effect on small businesses or micro-businesses as a result of enforcing or administering the proposed amendment because providing home telemonitoring services is voluntary.

Public Benefit

Pam McDonald, Director of Rate Analysis, has determined that for each year of the first five years the proposed amendment is in effect, the public will benefit from the adoption of this rule. It is anticipated that increased patient health care monitoring will result in improved patient care with fewer hospital readmissions and emergency room visits.

Regulatory Analysis

HHSC has determined that this proposal is not a "major environmental rule" as defined by §2001.0225 of the Texas Government Code. A "major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

Takings Impact Assessment

HHSC has determined that this proposal does not restrict or limit an owner's right to his or her private real property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under §2007.043 of the Government Code.

Comments

Written comments on the proposal may be submitted to Reuben Leslie, Lead Analyst, Rate Analysis Department, Texas Health and Human Services Commission, P.O. Box 85200, MC H-400, Austin, Texas 78708-5200; by fax to (512) 730-7475; or by e-mail at reuben.leslie@hhsc.state.tx.us within 30 days of publication of this proposal in the *Texas Register*.

Statutory Authority

The amendment is proposed under Texas Government Code §531.033, which provides the Executive Commissioner of HHSC with broad rulemaking authority; Texas Human Resources Code §32.021 and Texas Government Code §531.021(a), which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas; Texas Government Code §531.021(b), which provides HHSC with the authority to propose and adopt rules governing the determination of Medicaid reimbursements; and Texas Government Code §531.0216 and §531.02164, which require HHSC to develop and implement a system to reimburse providers under the state Medicaid program for services performed using advanced medical telecommunication services.

The amendment implements Chapter 531 of the Texas Government Code and Chapter 32 of the Texas Human Resources Code. No other statutes, articles, or codes are affected by this proposal.

§355.7001. Reimbursement Methodology for Telemedicine, [and] Telehealth, and Home Telemonitoring Services.

(a) Eligible providers performing telemedicine medical, telehealth, or home telemonitoring [either telemedicine medical services or telehealth] services are defined in §354.1430 of this title (relating to Definitions), [and] §354.1432 of this title (relating to Telemedicine and Telehealth Benefits and Limitations), and §354.1434 of this title (relating to Home Telemonitoring Benefits and Limitations).

(b) The Health and Human Services Commission (HHSC) reimburses eligible distant site professionals providing telemedicine medical services as follows:

(1) Physicians are reimbursed for their Medicaid telemedicine medical services in the same manner as their other professional services in accordance with §355.8085 of this title (relating to Reimbursement Methodology for Physicians and Other Practitioners).

(2) Physician assistants are reimbursed for their Medicaid telemedicine medical services in the same manner as their other professional services in accordance with §355.8093 of this title (relating to Physician Assistants).

(3) Advanced practice nurses are reimbursed for their Medicaid telemedicine medical services in the same manner as their other professional services in accordance with §355.8281 of this title (relating to Reimbursement Methodology).

(4) Certified nurse midwives are reimbursed for their Medicaid telemedicine medical services in the same manner as their other professional services in accordance with §355.8161 of this title (relating to Reimbursement Methodology for Midwife Services).

(c) HHSC reimburses eligible distant site professionals providing telehealth services as follows:

(1) Licensed professional counselors (including licensed marriage and family therapists) and licensed clinical social workers (including Comprehensive Care Program social workers) are reimbursed for their Medicaid telehealth services in the same manner as their other professional services in accordance with §355.8091 of this title (relating to Reimbursement to Licensed Professional Counselors, Licensed Master Social Worker-Advanced Clinical Practitioners, and Licensed Marriage and Family Therapists).

(2) Licensed psychologists (including licensed psychological associates) and psychology groups are reimbursed for their Medicaid telehealth services in the same manner as their other professional services in accordance with §355.8081 of this title (relating to Reimbursement Methodology [Payments] for Laboratory and X-ray Services, Radiation Therapy, Physical Therapists' Services, Physician Services, Podiatry Services, Chiropractic Services, Optometric Services, Ambulance Services, Dentists' Services, Psychologists' Services, Licensed Psychological Associates' Services, Provisionally Licensed Psychologists' Services, Maternity Clinic Services, and Tuberculosis Clinic Services).

(3) Durable medical equipment suppliers are reimbursed for their Medicaid telehealth services in the same manner as their other professional services in accordance with §355.8021 of this title (relating to Reimbursement Methodology for Home Health Services and Durable Medical Equipment, Prosthetics, Orthotics and Supplies).

(d) Telemedicine and telehealth patient site locations, as defined in §354.1430 and §354.1432 of this title, are reimbursed a facility fee determined by HHSC.

(e) HHSC reimburses eligible providers performing home telemonitoring services in the same manner as their other professional services described in §355.8021 of this title.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 3, 2013.

TRD-201302794

Steve Aragon

Chief Counsel

Texas Health and Human Services Commission

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For further information, please call: (512) 424-6900



TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 57. FISHERIES

SUBCHAPTER D. COMMERCIALY PROTECTED FINFISH

31 TAC §57.372

The Texas Parks and Wildlife Department proposes an amendment to §57.372, concerning Packaging Requirements. The pro-

posed amendment would require the holder of a finfish import license to submit shipping invoices to the department electronically within 24 hours of shipment. Under the current rule, permittees are required to submit invoices by overland mail or fax by the 10th day of the month following the month in which a shipment occurred. The rule is a tool to assist the department in detecting the unlawful introduction of wild-caught protected species of fish into the commerce stream, which, if undetected and unaddressed, could result in negative impacts to wild populations of fish.

Compilation, correlation, retrieval, handling, and storage of hard-copy reports is time-consuming, costly, and hampers the department's ability to accurately assess compliance and detect violations. Considering the prevalence, wide availability, and low cost of the technologies involved, the department has concluded that requiring invoices to be submitted via an Internet-based application would make program administration significantly more efficient for both the department and the regulated community. The online system is designed to reduce reporting errors, provide for a more efficient means of confirming and retrieving historical data, and make data more immediately available to department regulatory and enforcement personnel. The department also has concluded that the speed, ease, and low cost of electronic reporting make it possible to achieve a reporting timeframe that is very close to real time, which enhances the department's ability to resolve issues quickly.

The proposed amendment also would alter subsections (h) and (i) to conform the internal references in those subsections.

Brandi Reeder, Fisheries Law Administrator, has determined that for each of the first five years that the proposed rule will be in effect, there will be fiscal implications to the department in the form of increased program efficiency as a result of enforcement or administration of the rule; however, those savings cannot be quantified but are expected to be positive. There will be no fiscal implications to other units of state or local government.

Ms. Reeder also has determined that for each of the first five years the rule as proposed is in effect, the public benefit anticipated as a result of enforcing or administering the rule as proposed will be increased convenience and economy for the regulated community and the ability of the department to use resultant efficiencies to address increasing workloads with current staff.

There could be adverse economic effects on persons required to comply with the rule as proposed. The proposed rule would require all permittees to ensure that invoices are submitted to the department via the Internet. For persons who already own or have access to a computer or personal digital device and have Internet access, there is no adverse economic cost to comply with the proposed rule. For persons who do not possess a computer or other digital device that can access the Internet (such as a tablet or smart phone), compliance with proposed amendments would require the permittee to either use a public computer with Internet access, purchase or lease hardware and Internet access, or absorb the cost of hiring someone with the equipment and expertise to perform the required actions. Department research indicates that adequate hardware is widely available and can be purchased for approximately \$200. Internet access is an additional charge that varies from approximately \$15 to \$100 per month, depending on the technology and carrier plan. The department has determined that the technical skill required to submit invoices electronically is very similar to other types of skills that are commonly found in office/business envi-

ronments and therefore concludes that it is unlikely persons required to comply would need to engage an employee dedicated solely or even significantly to the submission of invoices to the department; however, the department estimates that cost at approximately \$18 per hour.

The department sent a survey to each of the 156 persons who hold a current finfish import license in order to determine potential economic costs to persons required to comply. The department received 33 responses. Twenty-one respondents indicated that compliance with the proposed amendment would not result in additional direct economic costs. Twelve respondents indicated that compliance would result in annual direct economic costs. Two of the respondents indicated annual compliance costs of less than \$600, four respondents estimated annual compliance costs of between \$1,000 and \$3,000, four respondents estimated annual compliance costs of between \$10,000 and \$12,000, one respondent estimated annual compliance costs of \$26,000, and one respondent estimated annual compliance costs of \$100,000 (the respondent did not provide a description or explanation of those costs).

The department notes that the proposed amendment does not create new recordkeeping requirements. The current rule, in effect since 1982, already requires permittees to create, submit, and maintain invoice records. However, for persons who have not been reporting monthly sales and purchases as required under current rule, compliance with the proposed amendment could result in additional costs; however, those costs would be the cost of coming into compliance with the existing rule. By implementing a web-based reporting system, the proposed amendment would allow permittees to automate their recordkeeping and reporting processes, which should save time and expense by eliminating the need for the creation and handling of physical documentation.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses and micro-businesses. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small businesses. Those guidelines state that an agency need only consider a proposed rule's "direct adverse economic impacts" to small businesses and micro-businesses to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services.

The department has determined that the proposed amendment could have an adverse economic impact on small businesses and micro-businesses. To ensure that the analysis captures every entity that might be affected, the department considers that most if not all finfish import license holders qualify as a small or micro-business. There are 156 persons who currently hold a finfish import license. The proposed rule would require all permittees to submit required information to the department via the Internet. For persons who already own or have access to a computer or personal digital device (such as a tablet or smart phone) and have Internet access, there is little or no adverse economic cost to comply with the proposed rule. For persons who do not possess a computer or other digital device that can access the

Internet, compliance with proposed amendments would require the permittee to either access a public computer with Internet access, purchase or lease hardware and Internet access, or absorb the cost of hiring someone with the equipment and expertise to perform the required actions. Department research indicates that adequate hardware is widely available and can be purchased for approximately \$200. Internet access is an additional charge that varies from approximately \$15 to \$100 per month, depending on the technology and carrier plan resulting in an estimated additional cost of between \$380 and \$1,400 for the first year (\$200, plus the monthly Internet provider costs of \$15 - \$100/month), but a cost of \$180 to \$1,200 a year for subsequent years consisting solely of the Internet provider costs. The department has determined that the technical skill required to submit invoices electronically is very similar to other types of skills that are commonly found in office/business environments.

As noted previously in this preamble, the department sent a survey to each of the 156 persons who hold a current finfish import license in order to determine potential economic costs to persons required to comply. The department received 33 responses, 21 of which qualified as small or micro-businesses. Thirteen respondents indicated that compliance with the proposed amendment would not result in additional direct economic costs. Eight respondents indicated that compliance would result in annual direct economic costs. Of those eight, two indicated annual compliance costs of less than \$600, three estimated annual compliance costs of between \$1,000 and \$3,000, three estimated annual compliance costs of between \$10,000 and \$12,000, and one estimated annual compliance of \$26,000.

The department notes that the proposed amendment does not create new recordkeeping requirements. The current rule, in effect since 1982, already requires permittees to create, submit, and maintain invoice records. However, for persons who have not been reporting monthly sales and purchases as required under current rule, compliance with the proposed amendment could result in additional costs; however, those costs would be the cost of coming into compliance with the existing rule. By implementing a web-based reporting system, the proposed amendment would allow permittees to automate their recordkeeping and reporting processes, which should save time and expense by eliminating the need for the creation and handling of physical documentation.

The department considered several alternatives to achieve the goals of the proposed amendments while reducing potential adverse impacts on small and micro-businesses and persons required to comply. The component of the proposed rules that constitutes an adverse economic impact to small and micro-businesses is the requirement to submit invoices via the Internet. One alternative the department considered was status quo. This alternative was rejected because one goal of the proposed amendment is to increase the efficiency with which the department administers the finfish import license program, given that additional manpower is not a viable option. The department concluded that requiring invoices to be submitted electronically would be the most effective means to accomplish that goal while reducing the adverse economic impacts to small and micro-businesses.

The department also considered leaving reporting media optional. This alternative was rejected because the department has determined that the investment in staff time to continue processing and reconciling hard-copy documents by manual methods in even limited amounts is not justifiable.

The department also considered imposing a fee for persons who desire to continue to file reports and notifications manually. This alternative was rejected because it represents a continuing expense to the department that is unjustifiable in light of the small number of permittees that would be affected and because department staff would still be required to process and reconcile the reporting information manually.

The department has not drafted a local employment impact statement under the Administrative Procedure Act, Government Code, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

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

Comments on the proposal may be submitted to Brandi Reeder, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4853; email: brandi.reeder@tpwd.state.tx.us.

The amendment is proposed under the authority of Parks and Wildlife Code, §66.020, which authorizes the commission by proclamation to require fish imported under the provisions of that section to be tagged, packaged, and labeled and accompanied by an invoice.

The proposed amendment affects Parks and Wildlife Code, Chapter 66.

§57.372. *Packaging Requirements.*

(a) - (f) (No change.)

(g) Each commercially protected finfish shipping invoice shall be duplicated by the licensee.

(1) A licensee shall report each imported, exported, or intrastate shipment to the department within 24 hours via a department-approved Internet application. [One copy shall be submitted to the Texas Parks and Wildlife Department regional law enforcement office by the shipper by the 10th day of the month following the month of shipping of each intrastate or export shipment.]

(2) One copy shall be retained by the licensee for a period of one year from the date of receipt of each imported shipment or from the date of shipping of each intrastate or exported shipment.

(3) One copy shall be retained by the receiver for a period of one year from the date of receipt of each import, intrastate, or export shipment.

~~[(4) Except as provided in subsections (h) and (i) of this section, one copy shall be submitted to the Texas Parks and Wildlife Department regional law enforcement office by the receiver of each import, intrastate, or export shipment by the 10th day of the month following the month of receipt.]~~

(h) A restaurant owner, operator, or employee receiving commercially protected finfish from the holder of a Texas finfish import license is exempt from subsection (g)(1) ~~[(g)(4)]~~ of this section, but is required to comply with subsection (g)(3) of this section, provided that the commercially protected finfish is for consumption on the premises by the restaurant patrons.

(i) The holder of a retail fish dealer license receiving commercially protected finfish from the holder of a Texas finfish import license is exempt from subsection (g)(1) ~~[(g)(4)]~~ of this section, but is required to comply with subsection (g)(3) of this section.

Figure: 31 TAC §57.372(i) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 8, 2013.

TRD-201302806

Ann Bright

General Counsel

Texas Parks and Wildlife Department

Earliest possible date of adoption: August 18, 2013

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



CHAPTER 58. OYSTERS, SHRIMP, AND FINFISH

SUBCHAPTER A. STATEWIDE OYSTER FISHERY PROCLAMATION

31 TAC §§58.11, 58.21, 58.22

The Texas Parks and Wildlife Department proposes amendments to §58.11, concerning Definitions, §58.21, concerning Taking or Attempting to Take Oysters from Public Oyster Beds: General Rules, and §58.22, concerning Commercial Fishing. The proposed amendments collectively would act to clarify rules governing the handling and storage of undersized oysters on licensed commercial oyster boats at the time of harvest. Under the provisions of §58.21(b)(4), it is unlawful for any person to take or possess a cargo of oysters if more than 15% of the oysters are undersized (between 3/4 inch and three inches in length). Section 58.21(b)(2) requires undersized oysters to be returned to the reef following harvest. Therefore, as oysters are harvested, undersized oysters must be separated from oysters that are lawful to retain. This process is known as "culling." Under current §58.22(d), it is unlawful to possess more than 50 sacks of culled oysters of legal size or to possess more than six sacks of uncultured oysters while on the reef. Section 58.21(b)(3) further requires uncultured oysters to be kept separate from culled oysters. Department game wardens have reported scenarios in which multiple sacks of oysters are encountered on board a vessel, but the number of sacks of uncultured versus culled oysters cannot be definitively ascertained. The proposed amendments are intended to eliminate confusion and create a definitive standard for purposes of compliance and enforcement.

The proposed amendment to §58.11 would add a definition of "culling." Current §58.21(b)(2) refers to "culled" and "uncultured" oysters; however, "culling" is not defined. Therefore, the proposed amendment would define "culling" as "the process of separating undersized oysters from oysters that are lawful to possess."

The proposed amendment to §58.21 would alter subsection (b)(3) to prohibit the placement of uncultured oysters in sacks. The department intends to create a clear distinction between oysters that have been culled and oysters that have not been culled.

The proposed amendment to §58.22 would alter subsection (d)(2) to comport the six-sack limit of uncultured oysters that may be possessed aboard a licensed commercial oyster boat while on a reef with the proposed amendment to §58.21(b)(3). Since the proposed amendment to §58.21(b)(3) would prohibit the sacking of uncultured oysters, the department must alter the

provisions of §58.22(d)(2) to prevent a conflict; therefore, the proposed amendment limits the volume of unculled oyster that may be possessed aboard a licensed commercial oyster boat while on the reef as "the volumetric equivalent of 6 sacks." A "sack" of oysters is currently defined as "a volume of oysters equivalent to a box that weighs no more than 110 pounds including the sack."

Brandi Reeder, Fisheries Law Administrator, has determined that for each of the first five years that the proposed rules will be in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the proposed rules.

Ms. Reeder also has determined that for each of the first five years the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the rules as proposed will be the protection of the state's oyster fishery from injury as a result of the harvest of undersized oysters.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses and micro-businesses. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small businesses. Those guidelines state that an agency need only consider a proposed rule's "direct adverse economic impacts" to small businesses and micro-businesses to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services.

Department records indicate that there are 522 persons who hold either a resident or nonresident commercial oyster boat license. The department has determined that most if not all businesses affected by the proposed rules qualify as small or micro-businesses. The department has also determined that the rules as proposed serve to clarify existing rules and will not result in direct economic impacts to small or micro-businesses.

The proposed rules will not result in adverse economic effects on persons required to comply.

The department has not drafted a local employment impact statement under the Administrative Procedure Act, Government Code, §2001.022, as the agency has determined that the rules as proposed will not impact local economies.

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

Comments on the proposal may be submitted to Brandi Reeder, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4853; email: brandi.reeder@tpwd.state.tx.us.

The amendments are proposed under Parks and Wildlife Code, §76.301, which authorizes the commission to regulate the taking, possession, purchase, and sale of oysters.

The proposed amendments affect Parks and Wildlife Code, Chapter 76.

§58.11. *Definitions.*

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

(1) Approved area--A molluscan shellfish growing area determined to be acceptable for harvesting of molluscan shellfish for direct marketing according to the National Shellfish Sanitation Program (NSSP).

(2) Barrel of oysters--As defined in Parks and Wildlife Code, §76.001, a barrel of oysters is three boxes of oysters in the shell or two gallons of shucked oysters without shells. The dimensions of a box are ten inches by 20 inches by 13 1/2 inches. In filling a box for measurement the oysters may not be piled more than 2 1/2 inches above the height of the box at the center.

(3) Conditionally approved area--The classification of a shellfish growing area determined by the Texas Department of State Health Services (TDSHS) to meet approved area criteria for a predictable period. The period is conditional upon established performance standards specified in a management plan. A conditionally approved area is a restricted area when the area does not meet the approved growing area criteria.

(4) Commission--Refers to the nine member Texas Parks and Wildlife Department Commission.

(5) Culling--The process of separating undersized oysters from oysters that are lawful to possess.

(6) ~~[(5)]~~ Department--Refers to the Texas Parks and Wildlife Department.

(7) ~~[(6)]~~ Natural oyster bed (reef)--As defined in Parks and Wildlife Code, §76.051, a natural oyster bed is an area where at least five barrels of oysters are found within 2,500 square feet of any position on a reef or bed.

(8) ~~[(7)]~~ Open season--A period during which it is lawful to take oysters.

(9) ~~[(8)]~~ Oyster--That species of molluscan shellfish identified as the Eastern oyster, *Crassostrea virginica* and its subspecies. No other species of molluscan shellfish are included within this proclamation.

(10) ~~[(9)]~~ Possess--The act of having in possession or control, keeping, detaining, restraining, or holding as owner, or as an agent, bailee, or custodian of another.

(11) ~~[(10)]~~ Private oyster lease--Those state water bottoms leased from the state for the purpose of producing oysters to individuals or corporations incorporated under the laws of this state.

(12) ~~[(11)]~~ Prohibited area--The classification of a shellfish growing area determined by the TDSHS to be unacceptable for the transplanting, gathering for depuration, or harvesting of shellfish. The only shellfish removal permitted from a prohibited area is for the purpose of depletion, as defined in the Control of Harvesting Section of Part 1 of the NSSP.

(13) ~~[(12)]~~ Public oyster bed (reef)--As defined in Parks and Wildlife Code, §76.002, all natural oyster beds (reefs) are public. All oyster beds not designated as private are public.

(14) ~~[(13)]~~ Restricted area--The classification of a shellfish growing area determined by the TDSHS to be unacceptable for harvesting of shellfish for direct marketing, but which is acceptable for transplanting or gathering for depuration. A restricted area may be closed for transplanting or gathering for depuration when the Seafood Safety Division determines that the area does not meet the restricted area criteria established in the NSSP.

(15) [(44)] Sack of oysters--A volume of oysters equivalent to a box that weighs no more than 110 pounds including the sack.

(16) [(45)] Harvester/Shell Recovery Tag--An identifying marker that must be affixed to the outside of each sack of oysters at the time of harvest, in the location of harvest, contain information required by the TDSHS [Department of State Health Services] under the National Shellfish Sanitation Program, and remain affixed during transportation of the oysters to a dealer.

(17) [(46)] Director--The executive director of the department.

§58.21. *Taking or Attempting to Take Oysters from Public Oyster Beds: General Rules.*

(a) (No change.)

(b) Size Limits and Possession of Undersized Oysters.

(1) - (2) (No change.)

(3) Unculled oysters must not be sacked and must [shall] be kept separate from culled oysters at all times.

(4) (No change.)

(c) (No change.)

§58.22. *Commercial Fishing.*

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

(d) Possession Limits. It is unlawful to take in one day, for pay or the purpose of sale, barter, or exchange, or any other commercial purpose, or to have on board any licensed commercial oyster boat more than:

(1) 50 sacks of culled oysters of legal size; or

(2) the volumetric equivalent of 6 sacks of unculled oysters while on the reef.

(e) - (f) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 8, 2013.

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Ann Bright

General Counsel

Texas Parks and Wildlife Department

Earliest possible date of adoption: August 18, 2013

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



CHAPTER 69. RESOURCE PROTECTION

SUBCHAPTER D. MEMORANDUM OF UNDERSTANDING

31 TAC §69.71

The Texas Parks and Wildlife Department proposes an amendment to §69.71, concerning Memorandum of Understanding Between the Texas Parks and Wildlife Department and the Texas Department of Transportation.

The proposed rule would adopt by reference a Memorandum of Understanding (MOU) between the Texas Parks and Wildlife Department (TPWD) and the Texas Department of

Transportation (TxDOT) concerning transportation projects and highway improvement projects ("TxDOT construction projects" or "projects").

Transportation Code, §201.607, requires TxDOT to adopt an MOU with each state agency that has responsibility for the protection of the natural environment, which includes TPWD. Among other things, the MOU must address "the responsibilities of each agency entering into the memorandum relating to the review of the potential environmental...effect of a highway project." Transportation Code, §201.607, also requires TxDOT to adopt the memoranda and all revisions by rule and to examine and revise the memoranda every five years. In addition, §201.607 requires each agency that is a party to the MOU to adopt revisions to the MOU by rule.

Under Parks and Wildlife Code, §12.0011, TPWD is the state agency with primary responsibility for protecting the state's fish and wildlife resources. This section also requires TPWD to provide "recommendations that will protect fish and wildlife resources to local, state, and federal agencies that approve, permit, license, or construct developmental projects" and to provide "information on fish and wildlife resources to any local, state, and federal agencies or private organizations that make decisions affecting those resources."

The MOU is intended to implement the statutory obligations of both TxDOT and TPWD regarding review of projects covered by the MOU for impacts to natural resources.

The current MOU between TPWD and TxDOT (43 TAC §2.22) provides for TPWD review of TxDOT projects that have the potential to affect natural resources within the jurisdiction of TPWD. However, the current MOU between TPWD and TxDOT is outdated and in need of revision. In accordance with Transportation Code, §201.607, TPWD and TxDOT examined the current MOU and developed a new MOU. The proposed new MOU was published by TxDOT in the February 15, 2013, issue of the *Texas Register* (38 TexReg 794). The new MOU was adopted by TxDOT and published in the June 14, 2013, issue of the *Texas Register* (38 TexReg 3814) and adds TxDOT rules at 43 TAC §§2.201 - 2.214.

Mr. Ted Hollingsworth, Director of Land Conservation, has determined that for each of the first five years that the rule as proposed is in effect, there will be fiscal implications for the department and TxDOT as a result of enforcement or administration of the rule. Under the terms of the MOU, TxDOT will fund two FTE (full-time equivalent) positions at TPWD to expedite environmental reviews. The funding of these positions will result in a payroll increase of \$167,797 at TPWD and an expense of \$167,797 per year to the State Highway Fund administered by TxDOT. This expenditure by TxDOT is expected to be offset by the benefit of more efficient and timely environmental review of TxDOT projects by TPWD. There are no economic costs for persons required to comply with the new subchapter.

There will be no fiscal implications for other units of state or local government.

Mr. Hollingsworth also has determined that for each of the first five years the rule as proposed is in effect, the public benefit anticipated as a result of enforcing or administering the rule will be increased efficiency in completing the environmental review TxDOT projects, more effective coordination between TxDOT and TPWD on the projects, and the ability of TPWD to provide additional protection of natural resources and habitat.

Under the provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses and micro-businesses. TPWD has determined that there will be no direct economic effect on small or micro-businesses or persons required to comply as a result of the proposed rule. The rule would not compel or mandate any action on the part of small businesses or micro-businesses. In particular, the proposed rule would not add new reporting or recordkeeping requirements; require any new professional expertise, capital costs, or costs for modification of existing processes or procedures; lead to loss of sales or profits; change market competition; or increase taxes or fees. Accordingly, TPWD has not prepared a regulatory flexibility analysis under Government Code, Chapter 2006.

TPWD has not drafted a local employment impact statement under the Administrative Procedure Act, Government Code, §2001.022, as the agency has determined that the rule as proposed will not impact local economies.

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

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

Comments on the proposed rule may be submitted to Ted Hollingsworth, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4520, e-mail: ted.hollingsworth@tpwd.state.tx.us.

The rule is proposed under the authority of Transportation Code, §201.607, which requires TPWD to adopt by rule a memorandum of understanding with the Texas Department of Transportation and each state agency that is responsible for the protection of the natural environment or for the preservation of historical or archeological resources.

The proposed rule affects Transportation Code, Chapter 201.

§69.71. Memorandum of Understanding Between the Texas Parks and Wildlife Department and the Texas Department of Transportation.

The Texas Parks and Wildlife Commission adopts by reference the provisions of 43 TAC §§2.201 - 2.214 [§2.22] (relating to Memorandum of Understanding with the Texas Parks and Wildlife Department).

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 3, 2013.

TRD-201302792

Ann Bright

General Counsel

Texas Parks and Wildlife Department

Earliest possible date of adoption: August 18, 2013

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



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHAPTER 700. CHILD PROTECTIVE SERVICES

SUBCHAPTER F. RELEASE HEARINGS

40 TAC §700.602

The Texas Health and Human Services Commission (HHSC) proposes, on behalf of the Department of Family and Protective Services (DFPS), an amendment to §700.602, concerning when DFPS may release information about a designated perpetrator to outside parties, in its chapter governing Child Protective Services. The purpose of the amendment is to clarify that DFPS may conduct a non-emergency release of an abuse/neglect finding when there is both a sustained finding against a perpetrator, meaning that the finding was upheld following an opportunity for a due process hearing, and evidence that the perpetrator poses a substantial risk of harm to one or more children or vulnerable adults.

Cindy Brown, Chief Financial Officer of DFPS, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Brown also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the public will have better notice regarding the basis for the release by DFPS of a sustained finding of abuse or neglect to a person or entity that has control over a perpetrator's access to children or vulnerable adults. There will be no effect on large, small, or micro-businesses because the proposed change does not impose new requirements on any business and does not require the purchase of any new equipment or any increased staff time in order to comply. There is no anticipated economic cost to persons who are required to comply with the proposed section.

HHSC has determined that the proposed amendment does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under §2007.043, Government Code.

Questions about the content of the proposal may be directed to Kay Love at (512) 438-3305 in DFPS's Child Protective Services Division. Electronic comments may be submitted to Marianne.Mcdonald@dfps.state.tx.us. Written comments on the proposal may be submitted to Texas Register Liaison, Legal Services-471, Department of Family and Protective Services E-611, P.O. Box 149030, Austin, Texas 78714-9030 within 30 days of publication in the *Texas Register*.

The amendment is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements HRC §40.002.

§700.602. *When may DFPS release information about a designated perpetrator to outside parties?*

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

(c) For a Nonemergency Release, before DFPS may conduct a release, DFPS's conclusion about the designated perpetrator must be sustained as specified in §700.601(4) of this title (relating to What do the following words and terms mean when used in this subchapter?), and there must be evidence that the risk of harm to one or more children or vulnerable adults is substantial.

(d) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 1, 2013.

TRD-201302749

Cynthia O'Keeffe

General Counsel

Department of Family and Protective Services

Earliest possible date of adoption: August 18, 2013

For further information, please call: (512) 438-3437



SUBCHAPTER Z. TITLE IV-A EMERGENCY ASSISTANCE PROGRAM

40 TAC §§700.2701, 700.2703, 700.2705

The Health and Human Services Commission proposes, on behalf of the Department of Family and Protective Services (DFPS), amendments to §§700.2701, 700.2703, and 700.2705, concerning the Title IV-A Emergency Assistance Program, in its chapter governing Child Protective Services. The purpose of the amendments is to bring the rules into agreement with the Texas Title IV-A State Plan. DFPS implemented the Title IV-A Emergency Assistance (EA) program in 1994 in cooperation with the designated single state agency for Title IV-A of the Social Security Act, which is now the Health and Human Services Commission. When Congress replaced Title IV-A with the Temporary Assistance for Needy Families (TANF) block grant, they included a provision to allow states to claim TANF funds for programs authorized under prior law, which includes the DFPS Emergency Assistance program. In 1995 and again in 1997, the state submitted amendments to the Texas Title IV-A State Plan that changed the eligibility requirements, and both sets of amendments were approved by the Administration for Children and Families. Although the state modified its rules after the 1995 state plan amendment, the rules were not updated after the 1997 amendment.

The amendment to §700.2701 deletes an obsolete reference to the Department of Human Services, since the program was transferred to DFPS and replaces references to specific provisions in federal law with more general references to Title IV-A and the approved state plan.

The amendment to §700.2703 revises the eligibility requirements to comply with the current state plan.

The amendment to §700.2705 deletes reference to the 12-month limit for service provision, which makes this section consistent with the current state plan.

Cindy Brown, Chief Financial Officer of DFPS, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Brown also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that the rules will be consistent with the Title IV-A State Plan. There will be no effect on large, small, or micro-businesses because the proposed changes do not impose new requirements on any business and do not require the purchase of any new equipment or any increased staff time in order to comply. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

HHSC has determined that the proposed amendments do not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, do not constitute a taking under §2007.043, Government Code.

Questions about the content of the proposal may be directed to Kathy Campbell at (512) 438-5747 in DFPS's Federal Funds Division. Electronic comments may be submitted to Marianne.Mcdonald@dfps.state.tx.us. Written comments on the proposal may be submitted to Texas Register Liaison, Legal Services-475, Department of Family and Protective Services E-611, P.O. Box 149030, Austin, Texas 78714-9030 within 30 days of publication in the *Texas Register*.

The amendments are proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendments implement federal statutes that govern TANF at 42 U.S.C. §601, et seq. Specifically, 42 U.S.C. §604(a)(2) allows states to use TANF funds to carry out any program or activity that the state conducted under its pre-1996 programs, which includes the use of Emergency Assistance funds for staff and services. The amendments also implement §40.002, Human Resources Code, which designates DFPS to be the state agency to cooperate with the federal government in the administration of programs under Parts B and E, Title IV, Social Security Act (42 U.S.C. Sections 620 et seq. and 670 et seq.) and other federal law for which the department has administrative responsibility.

§700.2701. *Overview.*

The Title IV-A Emergency Assistance Program is operated in compliance with applicable federal statutes and regulations and the approved Title IV-A State Plan. [The Texas Department of Human Services operates the Title IV-A Emergency Assistance Program through an inter-agency agreement with the Texas Department of Protective and Regulatory Services (TDPRS). The program is effective January 1, 1994. It was established by, is funded under, and is operated in compliance with the following federal requirements:]

{(1) Chapter 42, United States Code, §606(e)(1); and}

{(2) Chapter 45, Code of Federal Regulations, §233.120.}
§700.2703. Eligibility.

(a) The Department of Family and Protective Services (DFPS) [Texas Department of Protective and Regulatory Services (TDPRS)] or its authorized designee determines [presumptive] eligibility of a child and/or his family for Title IV-A Emergency Services if all of the following criteria are met:

(1) (No change.)

(2) The family applies for care and services available in emergency situations, or DFPS [TDPRS] or its authorized designee applies on behalf of a child whose parents are unavailable or unwilling to apply.

(3) - (4) (No change.)

(5) The applicant, child, or family declares annual income of less than \$63,000 [has not received authorization for emergency assistance service during the 12-month period prior to application].

(b) An emergency exists when DFPS [TDPRS]:

(1) determines that a child is at risk [of abuse or neglect];
or

(2) has removed a child from the child's [his] home and placed the child in its care; or

(3) determines that a child formerly in its care is at risk of being returned to that care.[: or]

{(4) determines a child or youth is at risk who is:}

{(A) between the ages of seven and 17 years inclusively
who:}

{(i) has run away from home; or}

{(ii) has been truant from school; or}

{(iii) has been involved in family conflict;}

{(B) between the ages ten and 16 years and has allegedly committed a misdemeanor or state jail felony offense, but has not been adjudicated; or}

{(C) between the ages of seven and nine years and who is alleged to have committed a delinquent offense.}

{(e) TDPRS collects family-income information. This information may be used to determine the level of federal funding for the case but is not a factor in determining the family's eligibility for emergency services nor the type of care or services TDPRS provides.}

§700.2705. Service Provision.

The Department of Family and Protective Services (DFPS) [Texas Department of Protective and Regulatory Services (TDPRS)] provides services to an eligible child and/or his family under the Title IV-A Emergency Assistance Program as determined necessary and appropriate and as authorized by DFPS. [TDPRS. Service provision is limited to a period not exceeding 12 months in any 12-month period for each family.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 1, 2013.

TRD-201302750

Cynthia O'Keeffe

General Counsel

Department of Family and Protective Services

Earliest possible date of adoption: August 18, 2013

For further information, please call: (512) 438-3437

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CHAPTER 745. LICENSING

The Health and Human Services Commission proposes, on behalf of the Department of Family and Protective Services (DFPS), amendments to §§745.21, 745.8913, 745.8933, and 745.8951; and new §745.8920, concerning administrator licensing, in its Licensing chapter. The purpose of the rule changes is to implement Senate Bill (SB) 1733 and SB 162, enacted in the 82nd and 83rd Regular Legislative Sessions, respectively. Both bills amended Chapter 55, Occupations Code, and require administrative rule changes that allow special considerations for military service members, military spouses, and military veterans who apply for a license that an individual must have to participate in a particular business. DFPS issues a child-placing agency administrator's license and a child-care administrator's license that are subject to the provisions of Chapter 55, Occupations Code.

SB 1733 enacted Occupations Code §55.004, which requires DFPS to adopt rules concerning the issuance of an administrator's license to a military spouse who applies for a license and either: (1) holds a current administrator's license in another state that has licensing requirements substantially equivalent to those in Texas; or (2) held an administrator's license in Texas within five years of the application date that expired while the military spouse lived in another state for at least six months. Such rules must allow for alternative demonstrations of competency by military spouses in order to meet requirements for an administrator's license.

SB 162 further amended Chapter 55, Occupations Code by: (1) adding definitions of "military spouse," "military service member," and "military veteran" in §55.001(1-a), (1-b), and (1-c); (2) requiring an expedited application and licensing process for a military spouse as provided by Occupations Code §55.005; and (3) requiring that verified military service, training, or education be credited toward the licensing requirements for an applicant who is a military service member or military veteran, subject to certain exceptions, as provided by Occupations Code §55.007.

A summary of the changes follows.

The amendment to §745.21 adds the definitions of a "military service member," "military spouse," and "military veteran" in accordance with Occupations Code §55.001(1-a), (1-b), and (1-c).

The amendment to §745.8913 implements Occupations Code §55.004 related to the issuance of a license to a qualifying military spouse and clarifies existing provisions of the rule, as follows:

(1) The title of the rule is changed to reflect that some of the provisions in this section will now be applicable to both a child-placing agency administrator's license as well as a child-care administrator's license.

(2) Subsection (a) is amended to provide that Child Care Licensing (CCL) may waive any prerequisite for either type of administrator's license if the applicant holds a valid administrator's li-

cense in another state that has licensing requirements substantially equivalent to those in Texas.

(3) Amendments to subsection (b) clarify that CCL may issue a provisional license to certain applicants seeking a child-care administrator's license.

New §745.8920 implements Occupations Code §55.04 and §55.007, which require that special considerations be given to applicants for an administrator's license who are military spouses, service members, or veterans. Subsection (a) authorizes the Assistant Commissioner of CCL or that person's designee to: (1) allow a military spouse who holds an administrator's license in another state, or who previously held an administrator's license in Texas within the past five years that expired while the applicant was in another state for at least six months, to demonstrate competence with respect to a licensing requirement through an appropriate alternative method; and (2) credit verified military service, training, or education toward a licensing requirement for an applicant who is a military service member or military veteran, unless that applicant holds a professional or occupational license in another jurisdiction that is restricted. Subsection (b) provides that no special consideration can be provided under this section to an applicant who is ineligible for an administrator's license because of a criminal conviction or Central Registry finding, as provided by Chapter 745, Subchapter F, Division 3 of this title (relating to Criminal Convictions and Central Registry Findings of Child Abuse or Neglect).

The amendment to §745.8933 requires that certain information must be included with an application for an administrator's license to enable DFPS to assess whether a person qualifies as a military spouse, service member, or veteran and whether the person, as a result of that status, is eligible for certain benefits as provided by Chapter 55, Occupations Code. Subsection (b) is added and states that a complete application from a military spouse seeking expedited handling of the application, or from any person seeking recognition of their out-of-state administrator's license, must include, as applicable: (1) documentation demonstrating status as a military spouse; (2) documentation related to each administrator's license currently held outside of Texas; and (3) a copy of the regulations pertaining to the current out-of-state administrator's license. Subsection (c) is added and states that a complete application from a military spouse, military service member, or military veteran seeking special consideration under new §745.8920 must include, as applicable, documentation demonstrating status as a military spouse, military service member, or military veteran; documentation related to any professional or occupational license currently held outside of Texas and additional documents needed to demonstrate competency by an alternative method or that verified military service, training, or education should be credited towards a license requirement.

The amendment to §745.8951 states that CCL will notify a military spouse of the status of his or her application for an administrator's license as soon as practicable, but not later than 21 days. Occupations Code §55.005(a) requires a state agency to process an application for a military spouse "as soon as practicable."

Cindy Brown, Chief Financial Officer of DFPS, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Brown also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a more flexible and more expedient licensing process for military service members, their spouses, and military veterans. There will be no effect on large, small, or micro-businesses because the proposed changes do not impose new requirements on any business and do not require the purchase of any new equipment or any increased staff time in order to comply. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

HHSC has determined that the proposed amendments and new section do not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, do not constitute a taking under §2007.043, Government Code.

Questions about the content of the proposal may be directed to Elizabeth Rodriguez at (512) 438-5043 in DFPS's Child Care Licensing Division. Electronic comments may be submitted to Marianne.Mcdonald@dfps.state.tx.us. Written comments on the proposal may be submitted to Texas Register Liaison, Legal Services-477, Department of Family and Protective Services E-611, P.O. Box 149030, Austin, Texas 78714-9030 within 30 days of publication in the *Texas Register*.

SUBCHAPTER A. PRECEDENCE AND DEFINITIONS

DIVISION 3. DEFINITIONS FOR LICENSING

40 TAC §745.21

The amendment is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements Occupations Code Chapter 55.

§745.21. *What do the following words and terms mean when used in this chapter?*

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

(1) - (24) (No change.)

(25) Military service member--A person who is currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state.

(26) Military spouse--A person married to a military service member who is currently on active duty.

(27) Military veteran--A person who has served in the army, navy, air force, marine corps, or coast guard of the United States, or in an auxiliary service of one of those branches of the armed forces.

(28) [(25)] Minimum standards--The rules contained in Chapter [Chapters] 743 of this title (relating to Minimum Standards for Shelter Care), Chapter 744 of this title (relating to Minimum Standards for School-Age and Before or After-School Programs), Chapter

746 of this title (relating to Minimum Standards for Child-Care Centers), Chapter 747 of this title (relating to Minimum Standards for Child-Care Homes), Chapter 748 of this title (relating to Minimum Standards for General Residential Operations), Chapter 749 of this title (relating to Minimum Standards for Child-Placing Agencies), Chapter 750 of this title (relating to Minimum Standards for Independent Foster Homes), and Subchapter D, Division 11 of this chapter (relating to Employer-Based Child Care) [of Subchapter D of this chapter (relating to Application Process)], which are minimum requirements for permit holders that are enforced by DFPS to protect the health, safety and well-being of children.

(29) [(26)] Neglect--As defined in the Texas Family Code, §261.401(3) (relating to Agency Investigation) and §745.8559 of this title (relating to What is neglect?).

(30) [(27)] Operation--A person or entity offering a program that may be subject to Licensing's regulation. An operation includes the building and grounds where the program is offered, any person involved in providing the program, and any equipment used in providing the program. An operation includes a child-care facility, child-placing agency, listed family home, or employer-based child care.

(31) [(28)] Parent--A person that has legal responsibility for or legal custody of a child, including the managing conservator or legal guardian.

(32) [(29)] Permit--A license, certification, registration, listing, compliance certificate, or any other written authorization granted by Licensing to operate a child-care facility, child-placing agency, listed family home, or employer-based child care. This also includes an administrator's license.

(33) [(30)] Permit holder--The person or entity granted the permit.

(34) [(31)] Pre-kindergarten age--As defined in §745.101(2) of this title (relating to What words must I know to understand this subchapter?).

(35) [(32)] Program--Activities and services provided by an operation.

(36) [(33)] Regulation--The enforcement of statutes and the development and enforcement of rules, including minimum standards. Regulation includes the licensing, certifying (both state run and employer-based operations), registering, and listing of an operation or the licensing of an administrator.

(37) [(34)] Report--An expression of dissatisfaction or concern about an operation, made known to DFPS staff, that alleges a possible violation of minimum standards or the law and involves risk to a child/children in care.

(38) [(35)] Residential child care--As defined in §745.35 of this title (relating to What is residential child care?).

(39) [(36)] State Office of Administrative Hearings (SOAH)--See §745.8831 and §745.8833 of this title (relating to What is a due process hearing? and What is the purpose of a due process hearing?).

(40) [(37)] Sustained perpetrator--See §745.731 of this title (relating to What are designated perpetrators and sustained perpetrators of child abuse or neglect?).

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 1, 2013.

TRD-201302751
Cynthia O'Keeffe
General Counsel

Department of Family and Protective Services
Earliest possible date of adoption: August 18, 2013
For further information, please call: (512) 438-3437



SUBCHAPTER N. ADMINISTRATOR LICENSING

DIVISION 1. OVERVIEW OF ADMINISTRATOR'S LICENSING

40 TAC §745.8913, §745.8920

The amendment and new section are proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment and new section implement HRC §43.0042 and Occupations Code §55.004 and §55.007.

§745.8913. Can my licensure in another state qualify me for an administrator's license [Can I use my valid license from another state to serve as a licensed child-care administrator]?

(a) We may waive any prerequisite for you to get an [a child-care] administrator's license from us if you have a valid administrator's license from another state and:

(1) The [the] other state's license requirements are substantially equivalent to those in Texas; [] or

(2) There [if there] is a reciprocity agreement between Texas and the other state.

(b) We may issue a provisional license to you once you apply for a child-care administrator's license from us and meet the requirements in [- See] Human Resources Code, §43.0081[- for the provisional license qualifications].

§745.8920. What special considerations can Licensing give to a military spouse, military service member, or military veteran who applies for an administrator's license?

(a) Except as provided in subsection (b) of this section, the Assistant Commissioner for Child Care Licensing or that person's designee may:

(1) Allow a military spouse to demonstrate competency with respect to a licensing requirement of this subchapter through an appropriate alternative method if the military spouse:

(A) Currently holds a valid administrator's license in another state whose license requirements are substantially equivalent to those in Texas; or

(B) Held an administrator's license in Texas within five years preceding the application date, and that license expired while the applicant lived in another state for at least six months; and

(2) Credit verified military service, training, or education towards any of the licensing requirements under this chapter, other than the requirement that the applicant pass the appropriate administrator's examination, unless the applicant holds a professional or occupational license in another jurisdiction that is restricted.

(b) To be eligible for any special consideration as provided under this section, an applicant may not have criminal history or central registry history that would prohibit the applicant from obtaining an administrator's license, as provided by Subchapter F, Division 3 of this chapter (relating to Criminal Convictions and Central Registry Findings of Child Abuse or Neglect).

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

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Cynthia O'Keeffe

General Counsel

Department of Family and Protective Services

Earliest possible date of adoption: August 18, 2013

For further information, please call: (512) 438-3437



DIVISION 2. SUBMITTING YOUR APPLICATION MATERIALS

40 TAC §745.8933

The amendment is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements Occupations Code Chapter 55.

§745.8933. *What ~~must~~ [does] a complete application to become a licensed administrator include?*

(a) For all applicants, a [A] complete application to become a licensed administrator ~~must include~~ [includes]:

(1) - (7) (No change.)

(b) A complete application submitted by a military spouse requesting expedited licensure under §745.8951(b) of this title (relating to What happens after Licensing receives my application materials and fees?) or by any applicant who applies for an administrator's license under §745.8913(a) of this title (relating to Can my licensure in another state qualify me for an administrator's license?) must also include, as applicable:

(1) Documentation demonstrating status as a military spouse;

(2) Documentation related to each administrator's license currently held outside of Texas; and

(3) A copy of the regulations pertaining to the current out-of-state administrator's license.

(c) A complete application from a military spouse, military service member, or military veteran requesting special consideration as provided under §745.8920 of this title (relating to What special considerations can Licensing give to a military spouse, military service member, or military veteran who applies for an administrator's license?) must also include, as applicable:

(1) Documentation demonstrating status as a military spouse, military service member, or military veteran;

(2) Documentation related to an administrator's license or any other professional or occupational license currently held outside of Texas; and

(3) Any additional documentation requested by us to determine whether you:

(A) Meet a licensing requirement through some alternative method; or

(B) Have prior military service, training, or education that may be credited towards a licensing requirement.

(d) ~~[(b)]~~ Your application is incomplete if you fail to complete any requirement of this section, as applicable [part of subsection (a) of this section], including inadequate documentation of your qualifications.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 1, 2013.

TRD-201302753

Cynthia O'Keeffe

General Counsel

Department of Family and Protective Services

Earliest possible date of adoption: August 18, 2013

For further information, please call: (512) 438-3437



DIVISION 3. LICENSING'S REVIEW OF YOUR APPLICATION

40 TAC §745.8951

The amendment is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements Occupations Code Chapter 55.

§745.8951. *What happens after Licensing receives my application materials and fees?*

(a) Within 21 days of our receipt of your application materials and fees, we will [We have 24 days to] notify you in writing of one of the following:

(1) We have received a complete set of application materials and fees and determined that you meet the initial qualifications and are eligible to take the licensing examination;

(2) We have received a complete set of application materials and fees and determined that you do not meet the initial qualifications and are not eligible to take the licensing examination; or

(3) Your application is pending because it is incomplete and/or the materials submitted do not show compliance with relevant statutes and rules. The notification letter will explain what is needed to complete the application and/or why your materials do not show compliance. If your application remains pending, you will receive reminder letters regarding the status of your application at three months and six months after the first notification letter is sent. If your application remains pending for 12 months from the date we first receive any part of your application, then your application will expire. If your application expires, then you may not apply again for one year from the date your application expired.

(b) If you are a military spouse applying for an administrator's license under §745.8913(a) of this title (relating to Can my licensure in another state qualify me for an administrator's license?), or requesting

special consideration under §745.8920 of this title (relating to What special considerations can Licensing give to a military spouse, military service member, or military veteran who applies for an administrator's license?), we will notify you as specified under subsection (a) of this section as soon as practicable, but not later than 21 days after we receive your completed application and fees.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on July 1, 2013.

TRD-201302754

Cynthia O'Keeffe

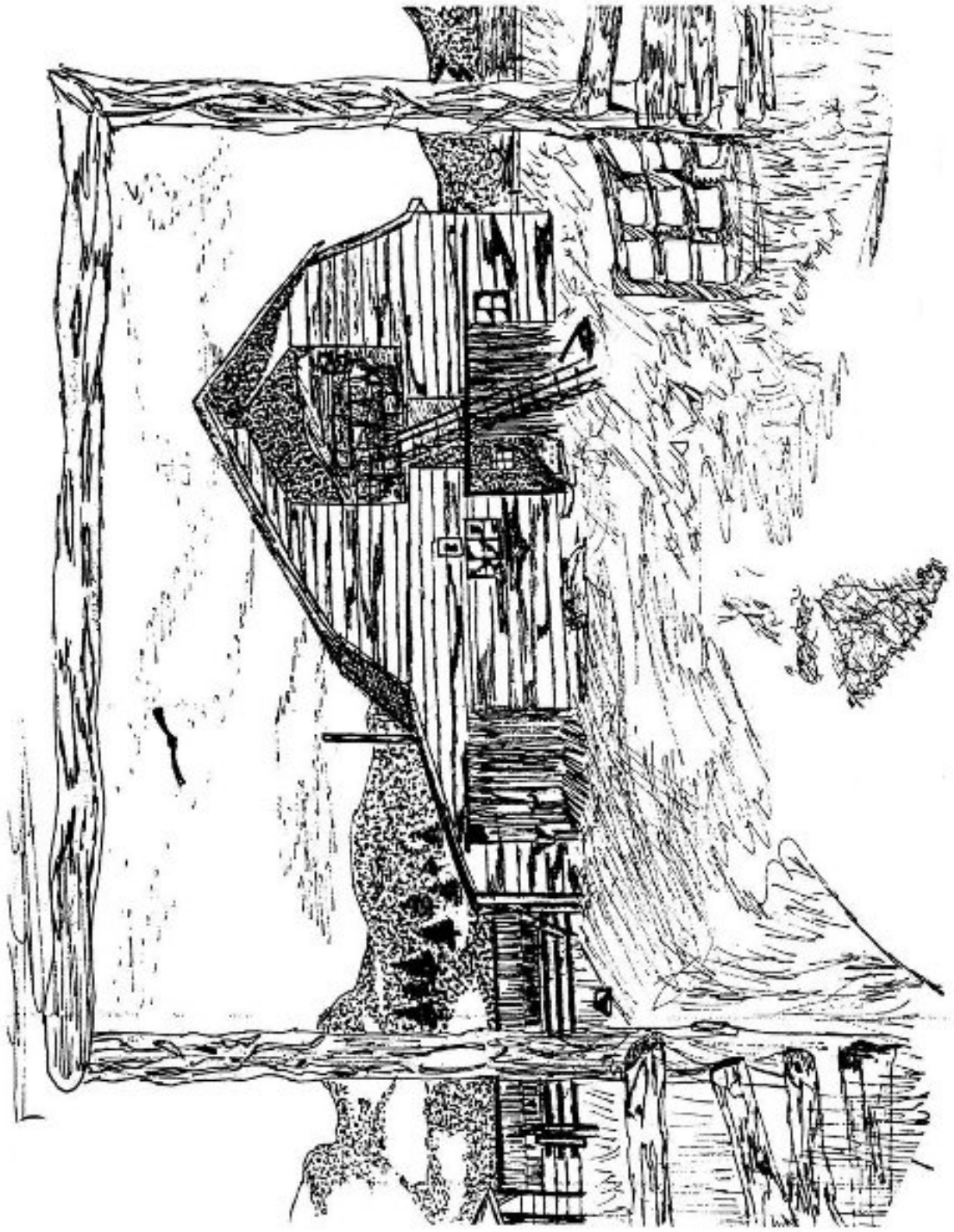
General Counsel

Department of Family and Protective Services

Earliest possible date of adoption: August 18, 2013

For further information, please call: (512) 438-3437

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ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 354. MEDICAID HEALTH SERVICES

SUBCHAPTER A. PURCHASED HEALTH SERVICES

DIVISION 1. MEDICAID PROCEDURES FOR PROVIDERS

1 TAC §354.1003

The Texas Health and Human Services Commission (HHSC) adopts the amendment to §354.1003, concerning Time Limits for Submitted Claims, without changes to the proposed text as published in the April 26, 2013, issue of the *Texas Register* (38 TexReg 2579) and will not be republished.

Background and Justification

Most Medicaid providers must submit claims to the Medicaid claims administrator within 95 days from the date of service or the claim will be denied for late filing. However, some entities that provide Medicaid services and must certify the expenditures of state or local funds, such as school districts providing services under the School Health and Related Services (SHARS) Program and County Indigent Health Care Program providers, have 365 days from the date of service to submit a Medicaid claim.

This rule amendment will allow enrolled Medicaid providers under the Blind Children's Vocational Discovery and Development Program (BCVDDP) to submit Medicaid claims for services rendered under the BCVDDP, for which certification of the expenditures of state or local funds is required, within 365 days from the date of service. Currently, the BCVDDP providers are required to submit claims within 95 days from the date of service. The change will make the claim filing time limit requirements for the BCVDDP providers consistent with other entities that provide Medicaid services and must certify the expenditures of state or local funds. The Department of Assistive and Rehabilitative Services is the only provider of BCVDDP services.

Comments

The 30-day comment period ended May 26, 2013. HHSC received no comments regarding the amendment.

Legal Authority

The amendment is adopted under Texas Government Code, §531.0055 and §531.033, which provide the Executive Commissioner of HHSC with broad rulemaking authority; and Human

Resources Code, §32.021, and Texas Government Code, §531.021(a), which authorize HHSC to administer the federal medical assistance (Medicaid) program in Texas.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 3, 2013.

TRD-201302798

Steve Aragon

Chief Counsel

Texas Health and Human Services Commission

Effective date: July 23, 2013

Proposal publication date: April 26, 2013

For further information, please call: (512) 424-6900



TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 117. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR FINE ARTS

The State Board of Education (SBOE) adopts new §§117.101-117.119, 117.201-117.213, and 117.301-117.326, concerning Texas essential knowledge and skills (TEKS) for fine arts. New §§117.101, 117.201, and 117.301 are adopted without changes to the proposed text as published in the March 8, 2013, issue of the *Texas Register* (38 TexReg 1511) and will not be republished. New §§117.102-117.119, 117.202-117.213, and 117.302-117.326 are adopted with changes to the proposed text as published in the March 8, 2013, issue of the *Texas Register* (38 TexReg 1511). The adopted new sections establish revised TEKS for fine arts courses in elementary, middle school, and high school with an implementation date of the 2015-2016 school year.

Applications for appointment to fine arts TEKS review committees were accepted by the Texas Education Agency (TEA) from October 2010 to early January 2011. Applications received prior to the November 2010 SBOE meeting were provided to SBOE members at the November meeting so that members could begin nominating individuals to serve on these committees. Applications received after the November 2010 SBOE meeting were provided to SBOE members at the January 2011 meeting so that board members could complete the nominations. Nominations for expert reviewers and fine arts TEKS review committee members were made in February 2011.

The fine arts TEKS review committees were convened in Austin in May 2012 to begin work on draft recommendations for revisions to the TEKS. The committees met again in June 2012 to complete their initial draft recommendations. In July 2012, the first draft recommendations were provided to the board and to the board-appointed expert reviewers and posted to the TEA website for informal public feedback. At the July 2012 Committee of the Full Board meeting, expert reviewers and representatives from the TEKS review committees provided invited testimony on the first draft recommendations. In August, expert reviewers provided feedback on the committees' draft recommendations. Copies of the reviews provided by the expert reviewers were distributed to the TEKS review committee members and posted to the TEA website in September.

The fine arts TEKS review committees met again in September 2012 to review feedback and complete recommendations for revisions to the fine arts TEKS. The final recommendations from the review committees were provided to the Committee of the Full Board at the November 2012 meeting and were posted on the TEA website.

A public hearing on the proposed new TEKS was held on January 30, 2013, and the SBOE approved the proposed new TEKS for first reading and filing authorization at its February 1, 2013, meeting. A second public hearing was scheduled for April 17, 2013; however, no one registered to provide testimony at the hearing. The SBOE took action to approve new 19 TAC Chapter 117, Subchapters D-F, for second reading and final adoption during its April 19, 2013, meeting.

The following changes were made to the proposed new TEKS since published as proposed.

Technical edits were made to modify the punctuation by using semicolons in subsection (a)(2) of the elementary introductions and subsection (b)(2) of the middle school and high school introductions.

The foundations sub-strand titles for music and dance were corrected in subsection (b)(2) of the middle school and high school introductions.

Section 117.209 and §117.210 were amended in subsection (a) to add Jazz Ensemble to the list of courses for Music, Middle School 2 and 3, respectively.

Section 117.304 and §117.305 were amended in subsection (a) to remove the word "highly" in language regarding the recommended prerequisite for AP Studio Art: Drawing Portfolio, AP Studio Art: Two-Dimensional Design Portfolio, and AP Studio Art: Three-Dimensional Design Portfolio.

Section 117.306 was amended in subsection (a) to clarify the prerequisite for Dance and Media Communication I.

Section 117.315 was amended in subsection (a) to remove the sentence, "A level I theatre course is suggested as a prerequisite for level II theatre courses."

The adopted new sections have no procedural and reporting implications. The adopted new sections have no locally maintained paperwork requirements.

The TEA determined that there is no direct adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

In accordance with the Texas Education Code, §7.102(f), the SBOE approved the new sections for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2013-2014 school year. The earlier effective date will allow districts to begin preparing for implementation. The effective date for the new sections is 20 days after filing as adopted.

Following is a summary of the public comments received and the corresponding responses regarding proposed new 19 TAC Chapter 117, Subchapters D-F.

Comment: One community member asked for clarification regarding §117.306(a). The commenter stated that it is unclear if a middle school dance course is a prerequisite for all Dance, Level I, courses or just for Dance and Media Communication I.

Response: The SBOE determined that the language regarding prerequisites was unclear and took action to amend §117.306(a) to read as follows, "General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following dance courses: Principles of Dance I, Ballet I, Modern/Contemporary Dance I, Jazz I, Tap I, World Dance Forms I, Dance Composition/Improvisation I, Dance Theory I, Dance Performance/Ensemble I, Dance and Media Communication I, Dance Production I, and Dance Wellness I (one credit per course). The prerequisite for Dance and Media Communication I is Dance, Middle School 1, 2, or 3."

Comment: One teacher stated that, given the current financial climate and hindrances, unrealistic expectations in the proposed TEKS set teachers up to feel like failures because teachers will be unable to meet all of the expectations in the TEKS.

Response: The SBOE disagreed and determined that the number of student expectations in the revised fine arts TEKS was appropriate given time constraints.

Comment: One teacher suggested that a year-long pilot program be conducted to determine how much class time and financial cost the revised TEKS would require.

Response: The SBOE disagreed and determined that the scope of the revised fine arts TEKS was appropriate and that a pilot was unnecessary.

Comment: Three teachers, one administrator, and one community member stated that Jazz Band 2 should be listed under Music, Middle School 2 in §117.209(a) and Jazz Band 3 should be listed under Music, Middle School 3 in §117.210(a).

Response: The SBOE agreed and took action to amend §117.209(a) and §117.210(a) to add Jazz Ensemble to the list of courses from which a student can choose for Music, Middle School 2 and 3.

Comment: One community member stated that in §117.310(c)(5)(C), §117.311(c)(5)(B), §117.312(c)(5)(B), §117.313(c)(5)(B), and §117.314(c)(5)(C), the breakouts for the proposed TEKS should distinguish between societies and cultures. The commenter recommended using "societies or cultures" or simply "cultures."

Response: The SBOE disagreed and determined that the wording of the student expectations was sufficiently clear.

Comment: Four administrators and one community member stated that the foundations strand is incorrectly identified in the introductions for middle and high school music courses. The commenter stated that the strand titles in subsection (b)(2)

should be changed to "foundations: music literacy" to be consistent with the strand titles in the knowledge and skills and with the introductions for elementary music.

Response: The SBOE agreed and directed staff to make appropriate technical edits in each subsection (b)(2) for the middle and high school music courses.

Comment: Three administrators and one community member stated that in each introduction, the four basic strands should be separated by semicolons rather than by commas to clearly delineate each strand title in the list.

Response: The SBOE agreed and directed staff to make appropriate technical edits in each subsection (a)(2) for elementary and each subsection (b)(2) for middle and high school.

Comment: One administrator expressed support for the revisions and stated that the fine arts TEKS review committees did a terrific job detailing the content of the different disciplines.

Response: The SBOE agreed. The SBOE also took action to approve additional changes to respond to other comments.

SUBCHAPTER D. ELEMENTARY

19 TAC §§117.101 - 117.119

The new sections are adopted under the Texas Education Code, §7.102(c)(4), which authorizes the SBOE to establish curriculum and graduation requirements, and §28.002, which authorizes the SBOE to identify by rule the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials.

The new sections implement the Texas Education Code, §7.102(c)(4) and §28.002.

§117.102. *Art, Kindergarten, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences, as sources for thinking about, planning, and creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning about, understanding, and applying the elements of art, principles of design, and expressive qualities. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating artworks. The student is expected to:

(A) gather information from subjects in the environment using the senses; and

(B) identify the elements of art, including line, shape, color, texture, and form, and the principles of design, including repetition/pattern and balance, in the environment.

(2) Creative expression. The student communicates ideas through original artworks using a variety of media with appropriate skills. The student expresses thoughts and ideas creatively while challenging the imagination, fostering reflective thinking, and developing disciplined effort and progressive problem-solving skills. The student is expected to:

(A) create artworks using a variety of lines, shapes, colors, textures, and forms;

(B) arrange components intuitively to create artworks; and

(C) use a variety of materials to develop manipulative skills while engaging in opportunities for exploration through drawing, painting, printmaking, constructing artworks, and sculpting, including modeled forms.

(3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:

(A) identify simple subjects expressed in artworks;

(B) share ideas about personal experiences such as family and friends and develop awareness and sensitivity to differing experiences and opinions through artwork;

(C) identify the uses of art in everyday life; and

(D) relate visual art concepts to other disciplines.

(4) Critical evaluation and response. The student responds to and analyzes artworks of self and others, contributing to the development of lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:

(A) express ideas about personal artworks or portfolios;

(B) express ideas found in collections such as real or virtual art museums, galleries, portfolios, or exhibitions using original artworks created by artists or peers; and

(C) compile collections of artwork such as physical artwork, electronic images, sketchbooks, or portfolios for the purposes of self-evaluations or exhibitions.

§117.103. *Music, Kindergarten, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking skills of music to sing, play, read, write, and/or move. By experiencing musical periods and styles, students will understand the relevance of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered. Through critical listening, students analyze, evaluate, and respond to music, developing criteria for making critical judgments and informed choices.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: music literacy. The student describes and analyzes musical sound. The student is expected to:

- (A) identify the differences between the five voices, including singing, speaking, inner, whispering, and calling voices;
- (B) identify the timbre of adult and child singing voices;
- (C) identify the timbre of instrument families;
- (D) identify same/different in beat/rhythm, higher/lower, louder/softer, faster/slower, and simple patterns in musical performances; and
- (E) identify beat, rhythm, and simple two-tone or three-tone melodies using iconic representation.

(2) Creative expression. The student performs a varied repertoire of developmentally appropriate music in informal or formal settings. The student is expected to:

- (A) sing or play classroom instruments independently or in groups;
- (B) sing songs or play classroom instruments from diverse cultures and styles independently or in groups;
- (C) move alone or with others to a varied repertoire of music using gross and fine locomotor and non-locomotor movement;
- (D) perform simple partwork, including beat versus rhythm; and
- (E) perform music using louder/softer and faster/slower.

(3) Historical and cultural relevance. The student examines music in relation to history and cultures. The student is expected to:

- (A) sing songs and play musical games, including rhymes, folk music, and seasonal music; and
- (B) identify simple interdisciplinary concepts related to music.

(4) Critical evaluation and response. The student listens to, responds to, and evaluates music and musical performances. The student is expected to:

- (A) identify and demonstrate appropriate audience behavior during live or recorded performances;
- (B) identify steady beat in musical performances; and
- (C) compare same/different in beat/rhythm, higher/lower, louder/softer, faster/slower, and simple patterns in musical performances.

§117.104. *Theatre, Kindergarten, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

- (A) develop self-awareness through dramatic play;
- (B) explore space using expressive movement;

- (C) imitate sounds; and
- (D) imitate and recreate objects in dramatic play.

(2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:

- (A) demonstrate safe use of movement and voice;
- (B) assume roles through imitation and recreation;
- (C) identify the characteristics of dramatic play; and
- (D) participate in dramatic play.

(3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:

- (A) create playing space using common objects such as tables or chairs;
- (B) create costumes using simple materials such as cardboard, newspaper, or fabric;
- (C) rehearse dramatic play; and
- (D) cooperate with others in dramatic play.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

- (A) rehearse and perform real and imaginative situations of family cultures of students in the class; and
- (B) rehearse and perform stories from American history.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

- (A) discuss, practice, and display appropriate audience behavior; and
- (B) respond to dramatic activities through discussion.

§117.105. *Art, Grade 1, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences, as sources for thinking about, planning, and

creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning, understanding, and applying the elements of art and principles of design. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating artworks. The student is expected to:

- (A) identify similarities, differences, and variations among subjects in the environment using the senses; and
- (B) identify the elements of art, including line, shape, color, texture, and form, and the principles of design, including emphasis, repetition/pattern, and balance, in nature and human-made environments.

(2) Creative expression. The student communicates ideas through original artworks using a variety of media with appropriate skills. The student expresses thoughts and ideas creatively while challenging the imagination, fostering reflective thinking, and developing disciplined effort and progressive problem-solving skills. The student is expected to:

- (A) invent images that combine a variety of lines, shapes, colors, textures, and forms;
- (B) place components in orderly arrangements to create designs; and
- (C) increase manipulative skills necessary for using a variety of materials to produce drawings, paintings, prints, constructions, and sculptures, including modeled forms.

(3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:

- (A) identify simple ideas expressed in artworks through different media;
- (B) demonstrate an understanding that art is created globally by all people throughout time;
- (C) discuss the use of art in everyday life; and
- (D) relate visual art concepts to other disciplines.

(4) Critical evaluation and response. The student responds to and analyzes artworks of self and others, contributing to the development of lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:

- (A) explain ideas about personal artworks;
- (B) identify ideas found in collections such as real or virtual art museums, galleries, portfolios, or exhibitions using original artworks created by artists or peers; and

(C) compile collections of artwork such as physical artwork, electronic images, sketchbooks, or portfolios for the purposes of self-evaluations or exhibitions.

§117.106. *Music, Grade 1, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking skills of music to sing, play, read, write, and/or move. By experiencing musical periods and styles, students will understand the relevance of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered. Through critical listening, students analyze, evaluate, and respond to music, developing criteria for making critical judgments and informed choices.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: music literacy. The student describes and analyzes musical sound and reads, writes, and reproduces music notation. The student is expected to:

(A) identify the known five voices and adult/children singing voices;

(B) identify visually and aurally the instrument families;

(C) use basic music terminology in describing changes in tempo, including allegro/largo, and dynamics, including forte/piano; and

(D) identify and label repetition and contrast in simple songs such as ab, aaba, or abac patterns.

(2) Foundations: music literacy. The student reads, writes, and reproduces music notation. Technology and other tools may be used to read, write, and reproduce musical examples. The student is expected to:

(A) read, write, and reproduce rhythmic patterns, including quarter note/paired eighth notes and quarter; and

(B) read, write, and reproduce melodic patterns, including three tones from the pentatonic scale.

(3) Creative expression. The student performs a varied repertoire of developmentally appropriate music in informal or formal settings. The student is expected to:

(A) sing tunefully or play classroom instruments, including rhythmic and melodic patterns, independently or in groups;

(B) sing songs or play classroom instruments from diverse cultures and styles, independently or in groups;

(C) move alone or with others to a varied repertoire of music using gross and fine locomotor and non-locomotor movement;

(D) perform simple part work, including beat versus rhythm, rhythmic ostinato, and vocal exploration; and

(E) perform music using tempo, including allegro/largo, and dynamics, including forte/piano.

(4) Creative expression. The student creates and explores new musical ideas. The student is expected to:

(A) create short, rhythmic patterns using known rhythms;

(B) create short, melodic patterns using known pitches; and

(C) explore new musical ideas using singing voice and classroom instruments.

(5) Historical and cultural relevance. The student examines music in relation to history and cultures. The student is expected to:

(A) sing songs and play musical games, including rhymes, patriotic events, folk music, and seasonal music;

(B) identify steady beat in short musical excerpts from various periods or times in history and diverse cultures; and

(C) identify simple interdisciplinary concepts relating to music.

(6) Critical evaluation and response. The student listens to, responds to, and evaluates music and musical performances. The student is expected to:

(A) identify and demonstrate appropriate audience behavior during live or recorded performances;

(B) recognize known rhythmic and melodic elements in simple aural examples using known terminology;

(C) distinguish same/different between beat/rhythm, higher/lower, louder/softer, faster/slower, and simple patterns in musical performances; and

(D) respond verbally or through movement to short musical examples.

§117.107. *Theatre, Grade 1, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expres-

sion. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

(A) develop confidence and self-awareness through dramatic play;

(B) develop spatial awareness in dramatic play using expressive and rhythmic movement;

(C) imitate actions and sounds; and

(D) imitate and create animate and inanimate objects in dramatic play.

(2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:

(A) demonstrate safe use of movement and voice;

(B) create roles through imitation;

(C) dramatize simple stories; and

(D) dramatize poems and songs.

(3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:

(A) discuss aspects of the environment for use in dramatic play such as location or climate;

(B) adapt the environment for dramatic play using common objects such as tables or chairs;

(C) rehearse dramatic play; and

(D) cooperate with others in dramatic play.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

(A) imitate life experiences from school and community cultures in dramatic play; and

(B) explore diverse cultural and historical experiences through fables, myths, or fairytales in dramatic play.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) discuss, practice, and display appropriate audience behavior;

(B) discuss dramatic activities; and

(C) discuss the use of music, creative movement, and visual components in dramatic play.

§117.108. *Art, Grade 2, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences, as sources for thinking about, planning, and creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning about, understanding, and applying the elements of art, principles of design, and expressive qualities. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating artworks. The student is expected to:

(A) compare and contrast variations in objects and subjects from the environment using the senses; and

(B) identify the elements of art, including line, shape, color, texture, form, and space, and the principles of design, including emphasis, repetition/pattern, movement/rhythm, and balance.

(2) Creative expression. The student communicates ideas through original artworks using a variety of media with appropriate skills. The student expresses thoughts and ideas creatively while chal-

lenging the imagination, fostering reflective thinking, and developing disciplined effort and progressive problem-solving skills. The student is expected to:

(A) express ideas and feelings in personal artworks using a variety of lines, shapes, colors, textures, forms, and space;

(B) create compositions using the elements of art and principles of design; and

(C) identify and practice skills necessary for producing drawings, paintings, prints, constructions, and sculpture, including modeled forms, using a variety of materials.

(3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:

(A) interpret stories, content, and meanings in a variety of artworks;

(B) examine historical and contemporary artworks created by men and women, making connections to various cultures;

(C) analyze how art affects everyday life and is connected to jobs in art and design; and

(D) relate visual art concepts to other disciplines.

(4) Critical evaluation and response. The student responds to and analyzes artworks of self and others, contributing to the development of lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:

(A) support reasons for preferences in personal artworks;

(B) compare and contrast ideas found in collections such as real or virtual art museums, galleries, portfolios, or exhibitions using original artworks created by artists or peers; and

(C) compile collections of artwork such as physical artwork, electronic images, sketchbooks, or portfolios for the purposes of self evaluations or exhibitions.

§117.109. *Music, Grade 2, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking skills of music to sing, play, read, write, and/or move. By experiencing musical periods and styles, students will understand the relevance

of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered. Through critical listening, students analyze, evaluate, and respond to music, developing criteria for making critical judgments and informed choices.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: music literacy. The student describes and analyzes musical sound. The student is expected to:

(A) identify choral voices, including unison versus ensemble;

(B) identify instruments visually and aurally;

(C) use known music terminology to explain musical examples of tempo, including presto, moderato, and andante, and dynamics, including fortissimo and pianissimo; and

(D) identify and label simple small forms such as aaba and abac.

(2) Foundations: music literacy. The student reads, writes, and reproduces music notation. Technology and other tools may be used to read, write, and reproduce musical examples. The student is expected to:

(A) read, write, and reproduce rhythmic patterns using standard notation in 2/4 meter, including half note/half rest;

(B) read, write, and reproduce pentatonic melodic patterns using standard staff notation; and

(C) read, write, and reproduce basic music terminology, including allegro/largo and forte/piano.

(3) Creative expression. The student performs a varied repertoire of developmentally appropriate music in informal or formal settings. The student is expected to:

(A) sing tunefully or play classroom instruments, including rhythmic and melodic patterns, independently or in groups;

(B) sing songs or play classroom instruments from diverse cultures and styles, independently or in groups;

(C) move alone or with others to a varied repertoire of music using gross and fine locomotor and non-locomotor movement;

(D) perform simple part work, including rhythmic ostinato, and vocal exploration such as singing, speaking, and chanting; and

(E) perform music using tempo, including presto, moderato, and andante, and dynamics, including fortissimo and pianissimo.

(4) Creative expression. The student creates and explores new musical ideas. The student is expected to:

(A) create rhythmic phrases using known rhythms;

(B) create melodic phrases using known pitches; and

(C) explore new musical ideas in phrases using singing voice and classroom instruments.

(5) Historical and cultural relevance. The student examines music in relation to history and cultures. The student is expected to:

(A) sing songs and play musical games, including patriotic, folk, and seasonal music;

(B) examine short musical excerpts from various periods or times in history and diverse and local cultures; and

(C) identify simple interdisciplinary concepts relating to music.

(6) Critical evaluation and response. The student listens to, responds to, and evaluates music and musical performances. The student is expected to:

(A) begin to practice appropriate audience behavior during live or recorded performances;

(B) recognize known rhythmic and melodic elements in simple aural examples using known terminology;

(C) distinguish between rhythms, higher/lower pitches, louder/softer dynamics, faster/slower tempos, and simple patterns in musical performances; and

(D) respond verbally or through movement to short musical examples.

§117.110. *Theatre, Grade 2, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

(A) react to sensory experiences such as sight or sound through dramatic play;

(B) expand spatial awareness in dramatic play using expressive and rhythmic movement;

(C) participate in dramatic play using actions, sounds, and dialogue; and

(D) role play, imitate, and recreate dialogue.

(2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:

(A) demonstrate safe use of movement and voice;

(B) role play in real life and imaginative situations through narrative pantomime, dramatic play, and story dramatization;

(C) create dramatizations of limited-action stories using simple pantomime or puppetry; and

(D) dramatize poems and songs using simple pantomime or puppetry.

(3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:

(A) select aspects of the environment such as location, climate, or time for use in dramatic play;

(B) adapt the environment for dramatic play using common objects such as tables or chairs;

(C) plan dramatic play; and

(D) cooperate and interact with others in dramatic play.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

(A) imitate life experiences from school and community cultures in dramatic play; and

(B) explore diverse cultural and historical experiences through fables, myths, or fairytales in dramatic play.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) discuss, practice, and display appropriate audience behavior;

(B) react to and discuss dramatic activities; and

(C) integrate music, creative movement, and visual components in dramatic play.

§117.111. *Art, Grade 3, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expres-

sion. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences, as sources for thinking about, planning, and creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning about, understanding, and applying the elements of art, principles of design, and expressive qualities. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating artworks. The student is expected to:

(A) explore ideas from life experiences about self, peers, family, school, or community and from the imagination as sources for original works of art;

(B) use appropriate vocabulary when discussing the elements of art, including line, shape, color, texture, form, space, and value, and the principles of design, including emphasis, repetition/pattern, movement/rhythm, contrast/variety, balance, proportion, and unity; and

(C) discuss the elements of art as building blocks and the principles of design as organizers of works of art.

(2) Creative expression. The student communicates ideas through original artworks using a variety of media with appropriate skills. The student expresses thoughts and ideas creatively while challenging the imagination, fostering reflective thinking, and developing disciplined effort and progressive problem solving skills. The student is expected to:

(A) integrate ideas drawn from life experiences to create original works of art;

(B) create compositions using the elements of art and principles of design; and

(C) produce drawings; paintings; prints; sculpture, including modeled forms; and other art forms such as ceramics, fiber art, constructions, mixed media, installation art, digital art and media, and photographic imagery using a variety of materials.

(3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:

(A) identify simple main ideas expressed in artworks from various times and places;

(B) compare and contrast artworks created by historical and contemporary men and women, making connections to various cultures;

(C) connect art to career opportunities for positions such as architects, animators, cartoonists, engineers, fashion designers, film makers, graphic artists, illustrators, interior designers, photographers, and web designers; and

(D) investigate the connections of visual art concepts to other disciplines.

(4) Critical evaluation and response. The student responds to and analyzes artworks of self and others, contributing to the development of lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:

(A) evaluate the elements of art, principles of design, or expressive qualities in artworks of self, peers, and historical and contemporary artists;

(B) use methods such as oral response or artist statements to identify main ideas found in collections of artworks created by self, peers, and major historical or contemporary artists in real or virtual portfolios, galleries, or art museums; and

(C) compile collections of personal artworks such as physical artworks, electronic images, sketchbooks, or portfolios for purposes of self assessment or exhibition.

§117.112. *Music, Grade 3, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking skills of music to sing, play, read, write, and/or move. By experiencing musical periods and styles, students will understand the relevance of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered. Through critical listening, students analyze, evaluate, and respond to music, developing criteria for making critical judgments and informed choices.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: music literacy. The student describes and analyzes musical sound. The student is expected to:

(A) categorize and explain a variety of musical sounds, including those of children and adult voices;

(B) categorize and explain a variety of musical sounds, including those of woodwind, brass, string, percussion, and instruments from various cultures;

(C) use known music symbols and terminology referring to rhythm; melody; timbre; form; tempo; and dynamics, including mezzo piano and mezzo forte, to identify musical sounds presented aurally; and

(D) identify and label small and large musical forms such as abac, AB, and ABA presented aurally in simple songs and larger works.

(2) Foundations: music literacy. The student reads, writes, and reproduces music notation using a system. Technology and other tools may be used to read, write, and reproduce musical examples. The student is expected to:

(A) read, write, and reproduce rhythmic patterns using standard notation, including four sixteenth notes, whole notes, whole rests, and previously learned note values in 2/4 and 4/4 meters as appropriate;

(B) read, write, and reproduce extended pentatonic melodic patterns using standard staff notation; and

(C) identify new and previously learned music symbols and terms referring to tempo and dynamics, including mezzo piano and mezzo forte.

(3) Creative expression. The student performs a varied repertoire of developmentally appropriate music in informal or formal settings. The student is expected to:

(A) sing or play classroom instruments with accurate intonation and rhythm independently or in groups;

(B) sing or play a varied repertoire of music such as American folk songs and folk songs representative of local cultures independently or in groups;

(C) move alone or with others to a varied repertoire of music using gross motor, fine motor, locomotor, and non-locomotor skills and integrated movement such as hands and feet moving together;

(D) perform simple part work, including rhythmic and melodic ostinati, derived from known repertoire; and

(E) interpret through performance new and previously learned music symbols and terms referring to tempo and dynamics, including mezzo piano and mezzo forte.

(4) Creative expression. The student creates and explores new musical ideas within specified guidelines. The student is expected to:

(A) create rhythmic phrases through improvisation or composition;

(B) create melodic phrases through improvisation or composition; and

(C) create simple accompaniments through improvisation or composition.

(5) Historical and cultural relevance. The student examines music in relation to history and cultures. The student is expected to:

(A) perform a varied repertoire of songs, movement, and musical games representative of American and local cultures;

(B) identify music from diverse genres, styles, periods, and cultures; and

(C) identify the relationships between music and interdisciplinary concepts.

(6) Critical evaluation and response. The student listens to, responds to, and evaluates music and musical performances. The student is expected to:

(A) exhibit audience etiquette during live and recorded performances;

(B) recognize known rhythmic and melodic elements in aural examples using appropriate vocabulary;

(C) identify specific musical events in aural examples such as changes in timbre, form, tempo, or dynamics using appropriate vocabulary;

(D) respond verbally and through movement to short musical examples; and

(E) describe a variety of compositions and formal or informal musical performances using specific music vocabulary.

§117.113. *Theatre, Grade 3, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

(A) react to sensory and emotional experiences such as sight or sound and happiness or sadness through creative play;

(B) create playing space using expressive and rhythmic movement;

(C) respond to sounds, music, images, language, and literature using movement; and

(D) reflect the environment, portray character, and demonstrate actions in classroom dramatizations.

(2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:

(A) demonstrate safe use of movement and voice;

(B) participate in a variety of roles in real life or imaginative situations through narrative pantomime, dramatic play, or story dramatization;

(C) dramatize literary selections using shadow play or puppetry; and

(D) dramatize literary selections using pantomime and imitative dialogue.

(3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:

(A) identify technical theatre elements such as props, costumes, sound, and visual elements that define character, environment, action, and theme;

(B) use simple technical theatre elements such as props, costumes, sound, and visual elements that define character, environment, action, and theme;

(C) plan dramatic play;

(D) cooperate and interact with others in dramatic play; and

(E) observe live or multimedia theatrical performances.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

(A) explore historical and diverse cultural influences from a variety of sources through dramatic activities;

(B) illustrate similarities and differences between life and theatre, television, and film through dramatic play; and

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) apply appropriate audience behavior consistently;

(B) discuss and evaluate simple dramatic activities and performances; and

(C) discuss the use of music, movement, and visual components in dramatic activities and performances.

§117.114. *Art, Grade 4, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences, as sources for thinking about, planning, and creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning about, understanding, and applying the elements of art, principles of design, and expressive qualities. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating artworks. The student is expected to:

(A) explore and communicate ideas drawn from life experiences about self, peers, family, school, or community and from the imagination as sources for original works of art;

(B) use appropriate vocabulary when discussing the elements of art, including line, shape, color, texture, form, space, and value, and the principles of design, including emphasis, repetition/pattern, movement/rhythm, contrast/variety, balance, proportion, and unity; and

(C) discuss the elements of art as building blocks and the principles of design as organizers of works of art.

(2) Creative expression. The student communicates ideas through original artworks using a variety of media with appropriate skills. The student expresses thoughts and ideas creatively while challenging the imagination, fostering reflective thinking, and developing disciplined effort and progressive problem-solving skills. The student is expected to:

(A) integrate ideas drawn from life experiences to create original works of art;

(B) create compositions using the elements of art and principles of design; and

(C) produce drawings; paintings; prints; sculpture, including modeled forms; and other art forms such as ceramics, fiber art, constructions, mixed media, installation art, digital art and media, and photographic imagery using a variety of art media and materials.

(3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:

(A) compare content in artworks for various purposes such as the role art plays in reflecting life, expressing emotions, telling stories, or documenting history and traditions;

(B) compare purpose and content in artworks created by historical and contemporary men and women, making connections to various cultures;

(C) connect art to career opportunities for positions such as architects, animators, cartoonists, engineers, fashion designers, film makers, graphic artists, illustrators, interior designers, photographers, and web designers; and

(D) investigate connections of visual art concepts to other disciplines.

(4) Critical evaluation and response. The student responds to and analyzes artworks of self and others, contributing to the development of lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:

(A) evaluate the elements of art, principles of design, intent, or expressive qualities in artworks of self, peers, and historical and contemporary artists;

(B) use methods such as written or oral response or artist statements to identify emotions found in collections of artworks created by self, peers, and major historical or contemporary artists in real or virtual portfolios, galleries, or art museums; and

(C) compile collections of personal artworks for purposes of self-assessment or exhibition such as physical artworks, electronic images, sketchbooks, or portfolios.

§117.115. *Music, Grade 4, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking skills of music to sing, play, read, write, and/or move. By experiencing musical periods and styles, students will understand the relevance

of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered. Through critical listening, students analyze, evaluate, and respond to music, developing criteria for making critical judgments and informed choices.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: music literacy. The student describes and analyzes musical sound. The student is expected to:

(A) categorize and explain a variety of musical sounds, including those of children's voices and soprano and alto adult voices;

(B) categorize and explain a variety of musical sounds, including those of woodwind, brass, string, percussion, keyboard, electronic instruments, and instruments of various cultures;

(C) use known music symbols and terminology referring to rhythm; melody; timbre; form; tempo; dynamics, including crescendo and decrescendo; and articulation, including staccato and legato, to explain musical sounds presented aurally; and

(D) identify and label small and large musical forms such as, abac, AB, ABA, and rondo presented aurally in simple songs and larger works.

(2) Foundations: music literacy. The student reads, writes, and reproduces music notation using a system. Technology and other tools may be used to read, write, and reproduce musical examples. The student is expected to:

(A) read, write, and reproduce rhythmic patterns using standard notation, including separated eighth notes, eighth- and sixteenth-note combinations, dotted half note, and previously learned note values in 2/4, 4/4, and 3/4 meters as appropriate;

(B) read, write, and reproduce extended pentatonic melodic patterns using standard staff notation; and

(C) identify new and previously learned music symbols and terms referring to tempo; dynamics, including crescendo and decrescendo; and articulation, including staccato and legato.

(3) Creative expression. The student performs a varied repertoire of developmentally appropriate music in informal or formal settings. The student is expected to:

(A) sing and play classroom instruments with accurate intonation and rhythm, independently or in groups;

(B) sing or play a varied repertoire of music such as American and Texan folk songs and folk songs representative of local cultures, independently or in groups;

(C) move alone and with others to a varied repertoire of music using gross motor, fine motor, locomotor, and non-locomotor skills and integrated movement such as hands and feet moving together;

(D) perform various folk dances and play parties;

(E) perform simple part work, including rhythmic and melodic ostinati, derived from known repertoire; and

(F) interpret through performance new and previously learned music symbols and terms referring to tempo; dynamics, including crescendo and decrescendo; and articulation, including staccato and legato.

(4) Creative expression. The student creates and explores new musical ideas within specified guidelines. The student is expected to:

(A) create rhythmic phrases through improvisation or composition;

(B) create melodic phrases through improvisation or composition; and

(C) create simple accompaniments through improvisation or composition.

(5) Historical and cultural relevance. The student examines music in relation to history and cultures. The student is expected to:

(A) perform a varied repertoire of songs, movement, and musical games representative of diverse cultures such as historical folk songs of Texas and Hispanic and American Indian cultures in Texas;

(B) perform music representative of America and Texas, including "Texas, Our Texas";

(C) identify and describe music from diverse genres, styles, periods, and cultures; and

(D) examine the relationships between music and interdisciplinary concepts.

(6) Critical evaluation and response. The student listens to, responds to, and evaluates music and musical performances. The student is expected to:

(A) exhibit audience etiquette during live and recorded performances;

(B) recognize known rhythmic and melodic elements in aural examples using appropriate vocabulary;

(C) describe specific musical events in aural examples such as changes in timbre, form, tempo, dynamics, or articulation using appropriate vocabulary;

(D) respond verbally and through movement to short musical examples;

(E) describe a variety of compositions and formal or informal musical performances using specific music vocabulary; and

(F) justify personal preferences for specific music works and styles using music vocabulary.

§117.116. *Theatre, Grade 4, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and

critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

(A) integrate sensory and emotional responses in dramatic play;

(B) develop body awareness and spatial perception using rhythmic and expressive movement;

(C) respond to sound, music, images, language, and literature with voice and movement and participate in dramatic play using actions, sounds, and dialogue;

(D) express emotions and ideas using interpretive movements, sounds, and dialogue;

(E) imitate and synthesize life experiences in dramatic play;

(F) use common objects to represent the setting, enhance characterization, and clarify actions; and

(G) define and demonstrate correct use of basic theatrical terms such as dialogue, character, scene, prop, costumes, setting, and theme.

(2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:

(A) demonstrate safe use of the voice and body;

(B) describe characters, their relationships, and their surroundings;

(C) develop characters and assume roles in short improvised scenes using imagination, personal experiences, heritage, literature, and history;

(D) dramatize literary selections in unison, pairs, or groups, demonstrating a logical connection of events and describing the characters, their relationships, and their surroundings; and

(E) create simple stories collaboratively through imaginative play, improvisations, and story dramatizations, demonstrating a logical connection of events and describing the characters, their relationships, and their surroundings.

(3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:

(A) describe the appropriate use of props, costumes, sound, and visual elements that define character, environment, action, and theme;

(B) alter space to create suitable performance environments for playmaking;

(C) plan brief dramatizations collaboratively; and

(D) interact cooperatively with others in brief dramatizations.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

(A) explain theatre as a reflection of life in particular times, places, cultures, and oral traditions specific to Texas;

(B) identify the role of live theatre, film, television, and electronic media in American society; and

(C) compare theatre artists and their contributions to theatre and society.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) apply appropriate audience behavior at formal and informal performances;

(B) compare visual, aural, oral, and kinetic aspects of informal playmaking with formal theatre; and

(C) discuss how movement, music, or visual elements enhance ideas and emotions depicted in theatre.

§117.117. *Art, Grade 5, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences, as sources for thinking about, planning, and creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning about, understanding, and applying the elements of art, principles of design, and expressive qualities. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating artworks. The student is expected to:

(A) develop and communicate ideas drawn from life experiences about self, peers, family, school, or community and from the imagination as sources for original works of art;

(B) use appropriate vocabulary when discussing the elements of art, including line, shape, color, texture, form, space, and value, and the principles of design, including emphasis, repetition/pattern, movement/rhythm, contrast/variety, balance, proportion, and unity; and

(C) discuss the elements of art as building blocks and the principles of design as organizers of works of art.

(2) Creative expression. The student communicates ideas through original artworks using a variety of media with appropriate skills. The student expresses thoughts and ideas creatively while challenging the imagination, fostering reflective thinking, and developing disciplined effort and progressive problem-solving skills. The student is expected to:

(A) integrate ideas drawn from life experiences to create original works of art;

(B) create compositions using the elements of art and principles of design; and

(C) produce drawings; paintings; prints; sculpture, including modeled forms; and other art forms such as ceramics, fiber art, constructions, digital art and media, and photographic imagery using a variety of materials.

(3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:

(A) compare the purpose and effectiveness of artworks from various times and places, evaluating the artist's use of media and techniques, expression of emotions, or use of symbols;

(B) compare the purpose and effectiveness of artworks created by historic and contemporary men and women, making connections to various cultures;

(C) connect art to career opportunities for positions such as architects, animators, cartoonists, engineers, fashion designers, film makers, graphic artists, illustrators, interior designers, photographers, and web designers; and

(D) investigate connections of visual art concepts to other disciplines.

(4) Critical evaluation and response. The student responds to and analyzes artworks of self and others, contributing to the development of lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:

(A) evaluate the elements of art, principles of design, general intent, media and techniques, or expressive qualities in artworks of self, peers, or historical and contemporary artists;

(B) use methods such as written or oral response or artist statements to identify themes found in collections of artworks created by self, peers, and major historical or contemporary artists in real or virtual portfolios, galleries, or art museums; and

(C) compile collections of personal artworks for purposes of self-assessment or exhibition such as physical artworks, electronic images, sketchbooks, or portfolios.

§117.118. *Music, Grade 5, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking skills of music to sing, play, read, write, and/or move. By experiencing musical periods and styles, students will understand the relevance of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered. Through critical listening, students analyze, evaluate, and respond to music, developing criteria for making critical judgments and informed choices.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: music literacy. The student describes and analyzes musical sound. The student is expected to:

(A) distinguish among a variety of musical timbres, including those of children's voices and soprano, alto, tenor, and bass adult voices;

(B) distinguish among a variety of musical timbres, including those of woodwind, brass, string, percussion, keyboard, electronic instruments, and instruments of various cultures;

(C) use known music symbols and terminology referring to rhythm; melody; timbre; form; tempo, including *accelerando* and *ritardando*; dynamics; articulation; and meter, including simple and compound, to explain musical sounds presented aurally; and

(D) identify and label small and large musical forms such as *abac*, *AB*, and *ABA*; *rondo*; and theme and variations presented aurally in simple songs and larger works.

(2) Foundations: music literacy. The student reads, writes, and reproduces music notation using a system. Technology and other tools may be used to read, write, and reproduce musical examples. The student is expected to:

(A) read, write, and reproduce rhythmic patterns using standard notation, including syncopated patterns, and previously learned note values in 2/4, 3/4, or 4/4 meters as appropriate;

(B) read, write, and reproduce extended pentatonic and diatonic melodic patterns using standard staff notation; and

(C) identify and interpret new and previously learned music symbols and terms referring to tempo, including *accelerando* and *ritardando*; dynamics; articulation; and meter, including simple and compound.

(3) Creative expression. The student performs a varied repertoire of developmentally appropriate music in informal or formal settings. The student is expected to:

(A) sing and play classroom instruments independently or in groups with accurate intonation and rhythm;

(B) sing or play a varied repertoire of music such as American folk songs, patriotic music, and folk songs representative of local and world cultures independently or in groups;

(C) move alone and with others to a varied repertoire of music using gross motor, fine motor, locomotor, and non-locomotor skills and integrated movement such as hands and feet moving together;

(D) perform various folk dances and play parties;

(E) perform simple two-part music, including rhythmic and melodic *ostinati*, rounds, partner songs, and counter melodies; and

(F) interpret through performance new and previously learned music symbols and terms referring to tempo, including *accelerando* and *ritardando*; dynamics; articulation; and meter, including simple and compound.

(4) Creative expression. The student creates and explores new musical ideas within specified guidelines. The student is expected to:

(A) create rhythmic phrases through improvisation and composition;

(B) create melodic phrases through improvisation and composition; and

(C) create simple accompaniments through improvisation and composition.

(5) Historical and cultural relevance. The student examines music in relation to history and cultures. The student is expected to:

(A) perform a varied repertoire of songs, movement, and musical games representative of diverse cultures such as historical folk songs of Texas and America and European and African cultures in America;

(B) perform music representative of Texas and America, including "The Star Spangled Banner";

(C) identify and describe music from diverse genres, styles, periods, and cultures; and

(D) examine the relationships between music and interdisciplinary concepts.

(6) Critical evaluation and response. The student listens to, responds to, and evaluates music and musical performances. The student is expected to:

(A) exhibit audience etiquette during live and recorded performances;

(B) identify known rhythmic and melodic elements in aural examples using appropriate vocabulary;

(C) describe specific musical events such as changes in timbre, form, dynamics, or articulation in aural examples using appropriate vocabulary;

(D) respond verbally and through movement to short musical examples;

(E) evaluate a variety of compositions and formal or informal musical performances using specific criteria; and

(F) justify personal preferences for specific music works and styles using music vocabulary.

§117.119. *Theatre, Grade 5, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

(A) develop characterization using sensory and emotional recall;

(B) develop body awareness and spatial perceptions using pantomime;

(C) respond to sounds, music, images, language, and literature using movement;

(D) express emotions and relate ideas using interpretive and planned movement and dialogue;

(E) integrate life experiences in dramatic play;

(F) portray environment, character, and actions; and

(G) demonstrate correct use of basic theatrical terminology.

(2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:

(A) demonstrate safe use of the voice and body;

(B) describe characters, their relationships, and their surroundings in detail;

(C) create movements and portray a character using dialogue appropriately;

(D) dramatize literary selections in unison, pairs, or groups, demonstrating a logical connection of events and describing the characters, their relationships, and their surroundings; and

(E) create simple stories collaboratively through imaginative play, improvisations, and story dramatizations, demonstrating a logical connection of events describing the characters, their relationships, and their surroundings.

(3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:

(A) demonstrate character, environment, action, and theme using props, costumes, and visual elements;

(B) alter space appropriately to create suitable performance environments for playmaking;

(C) plan dramatizations collaboratively; and

(D) interact cooperatively with others in dramatizations.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

(A) explain theatre as a reflection of life in particular times, places, cultures, and oral traditions specific to American history;

(B) examine the role of live theatre, film, television, or electronic media throughout American history; and

(C) analyze and compare theatre artists and their contributions to theatre and society.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) analyze and apply appropriate audience behavior at a variety of performances;

(B) compare visual, aural, oral, and kinetic aspects of informal and formal theatre with the elements of art, dance, or music; and

(C) identify and discuss how movement, music, or visual elements enhance ideas and emotions depicted in theatre.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Texas Education Agency

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SUBCHAPTER E. MIDDLE SCHOOL

19 TAC §§117.201 - 117.213

The new sections are adopted under the Texas Education Code, §7.102(c)(4), which authorizes the SBOE to establish curriculum and graduation requirements, and §28.002, which authorizes the SBOE to identify by rule the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials.

The new sections implement the Texas Education Code, §7.102(c)(4) and §28.002.

§117.202. *Art, Middle School 1, Adopted 2013.*

(a) General requirements. Students in Grades 6, 7, or 8 enrolled in the first year of art may select Art, Middle School 1.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences, as sources for thinking about, planning, and creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginings, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning about, understanding, and applying the elements of art, principles of design, and expressive qualities. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating original artworks. The student is expected to:

(A) identify and illustrate concepts from direct observation, original sources, personal experiences, and communities such as family, school, cultural, local, regional, national, and international;

(B) understand and apply the elements of art, including line, shape, color, texture, form, space, and value, as the fundamentals of art in personal artworks using art vocabulary appropriately;

(C) understand and apply the principles of design, including emphasis, repetition/pattern, movement/rhythm, contrast/variety, balance, proportion, and unity, in personal artworks using art vocabulary appropriately; and

(D) discuss the expressive properties of artworks such as appropriation, meaning, narrative, message, and symbol using art vocabulary accurately.

(2) Creative expression. The student communicates ideas through original artworks using a variety of media with appropriate skills. The student expresses thoughts and ideas creatively while challenging the imagination, fostering reflective thinking, and developing disciplined effort and progressive problem-solving skills. The student is expected to:

(A) create original artworks based on direct observations, original sources, personal experiences, and the community;

(B) apply the art-making process to solve problems and generate design solutions; and

(C) produce artworks, including drawings, paintings, prints, sculptures/modeled forms, ceramics, fiber art, photographic imagery, and digital art and media, using a variety of materials.

(3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:

(A) identify the influence of historical and political events in artworks;

(B) identify examples of art that convey universal themes such as beliefs, cultural narrative, life cycles, the passage of time, identity, conflict, and cooperation;

(C) explain the relationships that exist between societies and their art and architecture; and

(D) explore career and avocational opportunities in art such as various design, museum, and fine arts fields.

(4) Critical evaluation and response. The student responds to and analyzes artworks of self and others, contributing to the development of the lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:

(A) create written or oral responses to artwork using appropriate art vocabulary;

(B) analyze original artworks using a method of critique such as describing the artwork, analyzing the way it is organized, interpreting the artist's intention, and evaluating the success of the artwork;

(C) develop a portfolio;

(D) investigate and explore original artworks in a variety of venues outside of the classroom such as museums, galleries, or community art; and

(E) understand and demonstrate proper exhibition etiquette.

§117.203. *Art, Middle School 2, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences, as sources for thinking about, planning, and creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning about, understanding, and applying the elements of art, principles of design, and expressive qualities. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating original artworks. The student is expected to:

(A) identify and illustrate ideas from direct observation, original sources, imagination, personal experiences, and communities such as family, school, cultural, local, regional, national, and international;

(B) compare and contrast the elements of art, including line, shape, color, texture, form, space, and value, as the fundamentals of art in personal artworks using vocabulary accurately;

(C) compare and contrast the principles of design, including emphasis, repetition/pattern, movement/rhythm, contrast/variety, balance, proportion, and unity, in personal artworks using vocabulary accurately; and

(D) understand and apply the expressive properties of artworks such as appropriation, meaning, narrative, message, and symbol using art vocabulary accurately.

(2) Creative expression. The student communicates ideas through original artworks using a variety of media with appropriate skills. The student expresses thoughts and ideas creatively while challenging the imagination, fostering reflective thinking, and developing disciplined effort and progressive problem-solving skills. The student is expected to:

(A) create original artworks that express a variety of ideas based on direct observations, original sources, and personal experiences, including memory, identity, imagination, and the community;

(B) apply the art-making process to solve problems and generate design solutions;

(C) apply technical skills effectively using a variety of materials to produce artworks, including drawings, paintings, prints, sculptures/modeled forms, ceramics, fiber art, photographic imagery, and digital art and media; and

(D) use an understanding of copyright and public domain to appropriate imagery when working from sources rather than direct observation or imagination.

(3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:

(A) analyze ways that global, cultural, historical, and political issues influence artworks;

(B) analyze selected artworks to determine contemporary relevance in relationship to universal themes such as belief, cultural narrative, life cycles, the passage of time, identity, conflict, and cooperation;

(C) compare and contrast relationships that exist between a society's art and its music, literature, and architecture; and

(D) identify career and avocational choices in art such as various design, museum, and fine arts fields.

(4) Critical evaluation and response. The student responds to and analyzes artworks of self and others, contributing to the development of the lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:

(A) create written or oral responses about personal or collaborative artworks addressing purpose, technique, organization, judgment, and personal expression;

(B) analyze original artworks using a method of critique such as describing the artwork, analyzing the way it is organized, interpreting the artist's intention, and evaluating the success of the artwork;

(C) develop a portfolio that demonstrates progress;

(D) investigate and explore original artworks in a variety of venues outside of the classroom such as museums, galleries, or community art; and

(E) demonstrate an understanding of and apply proper exhibition etiquette.

§117.204. *Art, Middle School 3, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences, as sources for thinking about, planning, and creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning about, understanding, and applying the elements of art, principles of design, and expressive qualities. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating original artworks. The student is expected to:

(A) identify and illustrate concepts from direct observation, original sources, imagination, personal experience, and communities such as family, school, cultural, local, regional, national, and international;

(B) evaluate the elements of art, including line, shape, color, texture, form, space, and value, as the fundamentals of art in personal artworks using vocabulary accurately;

(C) evaluate the principles of design, including emphasis, repetition/pattern, movement/rhythm, contrast/variety, balance, proportion, and unity, in personal artworks using vocabulary accurately; and

(D) compare and contrast the expressive properties of artworks, including appropriation, meaning, narrative, message, and symbol, using vocabulary accurately.

(2) Creative expression. The student communicates ideas through original artworks using a variety of media with appropriate skills. The student expresses thoughts and ideas creatively while challenging the imagination, fostering reflective thinking, and developing disciplined effort and progressive problem-solving skills. The student is expected to:

(A) create original artworks expressing themes found through direct observation; original sources; personal experiences, including memory, identity, and imagination; and the community;

(B) apply the art-making process to solve problems and generate design solutions;

(C) create artworks by selecting appropriate art materials, including drawings, paintings, prints, sculptures/modeled forms, ceramics, fiber art, photographic imagery, and digital art and media;

(D) use an understanding of copyright and public domain to appropriate imagery when working from sources rather than direct observation or imagination; and

(E) create experimental artworks using installation, performance, or collaboration.

(3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:

(A) analyze ways in which global, contemporary, historical, and political issues have influenced art;

(B) analyze cultural ideas expressed in artworks relating to social, political, and environmental themes such as environment/nature, conflict and power, relationships to others, and reality/fantasy;

(C) evaluate the relationships that exist among a society's art, music, theatre, and dance; and

(D) compare and contrast career and avocational opportunities in art such as various design, museum, and fine arts fields.

(4) Critical evaluation and response. The student responds to and analyzes artworks of self and others, contributing to the development of the lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:

(A) create written and oral responses about personal or collaborative artworks addressing purpose, technique, organization, judgment, and personal expression;

(B) analyze original artworks and portfolios using a method of critique such as describing the artwork, analyzing the way it is organized, interpreting the artist's intention, and evaluating the success of the artwork;

(C) investigate and explore original artworks in a variety of venues outside of the classroom such as museums, galleries, or community art; and

(D) understand and demonstrate proper exhibition etiquette.

§117.205. *Dance, Middle School 1, Adopted 2013.*

(a) General requirements. Students in Grades 6, 7, or 8 enrolled in the first year of dance may select Dance, Middle School 1.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Dance students develop perceptual thinking and movement abilities in daily life, promoting an understanding of themselves and others. Students develop movement principles and technical skills and explore choreographic and performance qualities. Students develop self-discipline and healthy bodies that move expressively, efficiently, and safely through space and time with a sensitive kinesthetic awareness. Students recognize dance as a vehicle for understanding historical and cultural relevance, increasing an awareness of their heritage and traditions and those of others, and enabling them to participate in a diverse society. Evaluating and analyzing dance allows students to strengthen decision-making skills, develop critical and creative thinking, and develop artistic creative processes. Students continue to explore technology and its application to dance and movement, enabling them to make informed decisions about dance.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: perception. The student develops an awareness of the body's movement using sensory information while dancing. The student is expected to:

- (A) demonstrate basic kinesthetic and spatial awareness individually and in groups;
- (B) recognize the concepts of wellness for healthy lifestyles;
- (C) define body science applications through dance genres, styles, and vocabulary; and
- (D) identify dance movement elements through space, energy, and time.

(2) Creative expression: artistic process. The student develops knowledge and skills of dance elements, choreographic processes, and forms in a variety of dance genres and styles. The student is expected to:

- (A) recognize basic principles of proper body alignment;
- (B) define knowledge of dance composition elements, improvisation skills, and choreographic processes;
- (C) identify movement studies using rhythmical skills and spatial directions; and

(D) recognize expressions of ideas or emotions individually and in groups.

(3) Creative expression: performance. The student develops knowledge and execution of technical dance skills and a variety of dance genres and styles through performing. The student is expected to:

- (A) identify various dance genres and styles such as ballet, jazz, tap, modern dance, musical theatre dance, and world dance forms;
- (B) perform in groups with the intent to communicate to an audience;
- (C) define the use of dance elements in practice and performance incorporating technology; and
- (D) identify an effective warm-up and cool-down using elements of proper conditioning for performing skills.

(4) Historical and cultural relevance. The student demonstrates an understanding of cultural, historical, and artistic diversity. The student is expected to:

- (A) define the cultural significance as communicated through dance movement, identifying historical figures and their contributions to dance history;
- (B) identify movement characteristics of historical and cultural dance forms and the contributions of their artists;
- (C) identify a dance representative of one's heritage or environment; and
- (D) understand dances in various media and other content areas.

(5) Critical evaluation and response. The student makes informed personal judgments about dance and the meaning and role of dance in society. The student is expected to:

- (A) define the quality and effectiveness of dance performances while incorporating appropriate etiquette in the classroom and performances;
- (B) identify relationships between dance and other content subjects;
- (C) define the content and choreographic structures used by various American choreographers; and
- (D) define artistic decisions of personal dance works.

§117.206. *Dance, Middle School 2, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the

knowledge and skills students are expected to acquire. Dance students develop perceptual thinking and movement abilities in daily life, promoting an understanding of themselves and others. Students develop movement principles and technical skills and explore choreographic and performance qualities. Students develop self-discipline and healthy bodies that move expressively, efficiently, and safely through space and time with a sensitive kinesthetic awareness. Students recognize dance as a vehicle for understanding historical and cultural relevance, increasing an awareness of their heritage and traditions and those of others, and enabling them to participate in a diverse society. Evaluating and analyzing dance allows students to strengthen decision-making skills, develop critical and creative thinking, and develop artistic creative processes. Students continue to explore technology and its application to dance and movement, enabling them to make informed decisions about dance.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: perception. The student develops an awareness of the body's movement using sensory information while dancing. The student is expected to:

(A) demonstrate basic kinesthetic and spatial awareness individually and in groups;

(B) identify the concepts of wellness for healthy lifestyles;

(C) demonstrate body science applications through dance genres, styles, and vocabulary; and

(D) explore and demonstrate dance movement elements through space, energy, and time.

(2) Creative expression: artistic process. The student develops knowledge and skills of dance elements, choreographic processes, and forms in a variety of dance genres and styles. The student is expected to:

(A) identify basic principles of proper body alignment;

(B) explore and describe knowledge of dance composition elements, improvisation skills, and choreographic processes;

(C) distinguish between movement studies using rhythmic skills and spatial directions; and

(D) explore and demonstrate expressions of ideas or emotions individually and in groups.

(3) Creative expression: performance. The student develops knowledge and execution of technical dance skills and a variety of dance genres and styles through performing. The student is expected to:

(A) explore and demonstrate various dance genres and styles such as ballet, jazz, tap, modern dance, musical theatre dance, and world dance forms;

(B) perform individually and in groups with the intent to communicate and project to an audience;

(C) demonstrate the use of dance elements in practice and performance incorporating technology; and

(D) demonstrate an effective warm-up and cool-down using elements of proper conditioning for performing skills.

(4) Historical and cultural relevance. The student demonstrates an understanding of cultural, historical, and artistic diversity. The student is expected to:

(A) recognize the cultural significance as communicated through dance movement, identifying historical figures and their contributions to dance history;

(B) interpret movement characteristics of historical and cultural dance forms and the contributions of their artists;

(C) recognize a dance representative of one's heritage or environment; and

(D) evaluate dance in various media and other content areas.

(5) Critical evaluation and response. The student makes informed personal judgments about dance and the meaning and role of dance in society. The student is expected to:

(A) demonstrate the quality and effectiveness of dance performances while incorporating appropriate etiquette in the classroom and performances;

(B) interpret relationships between dance and other content subjects;

(C) demonstrate the content and choreographic structures used by various American choreographers; and

(D) interpret and evaluate artistic decisions of personal dance works.

§117.207. *Dance, Middle School 3, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Dance students develop perceptual thinking and movement abilities in daily life, promoting an understanding of themselves and others. Students develop movement principles and technical skills and explore choreographic and performance qualities. Students develop self-discipline and healthy bodies that move expressively, efficiently, and safely through space and time with a sensitive kinesthetic awareness. Students recognize dance as a vehicle for understanding historical and cultural relevance, increasing an awareness of their heritage and traditions and those of others, and enabling them to participate in a diverse society. Evaluating and analyzing dance allows students to strengthen decision-making skills, develop critical and creative thinking, and develop artistic creative processes. Students continue to explore technology and its application to dance and movement, enabling them to make informed decisions about dance.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: perception. The student develops an awareness of the body's movement using sensory information while dancing. The student is expected to:

(A) demonstrate basic kinesthetic and spatial awareness individually and in groups;

(B) distinguish between concepts of wellness for healthy lifestyles;

(C) implement body science applications through dance genres, styles, and vocabulary; and

(D) develop dance movement elements through space, energy, and time.

(2) Creative expression: artistic process. The student develops knowledge and skills of dance elements, choreographic processes, and forms in a variety of dance genres and styles. The student is expected to:

(A) apply basic principles of proper body alignment;

(B) demonstrate knowledge of dance composition elements, improvisation skills, and choreographic processes;

(C) create movement studies using rhythmical skills and spatial directions; and

(D) design and demonstrate expressions of ideas or emotions individually and in groups.

(3) Creative expression: performance. The student develops knowledge and execution of technical dance skills and a variety of dance genres and styles through performing. The student is expected to:

(A) apply various dance genres and styles such as ballet, jazz, tap, modern dance, musical theatre dance, and world dance forms;

(B) perform individually and in groups with the intent to express emotions, communicate, and project to an audience;

(C) evaluate the use of dance elements in practice and performance incorporating technology and elements of dance production; and

(D) practice an effective warm-up and cool-down using elements of proper conditioning for performing skills.

(4) Historical and cultural relevance. The student demonstrates an understanding of cultural, historical, and artistic diversity. The student is expected to:

(A) compare and contrast the cultural significance as communicated through dance movement, identifying historical figures and their contributions to dance history;

(B) evaluate movement characteristics of historical and cultural dance forms and the contributions of their artists;

(C) perform a dance representing one's heritage or environment; and

(D) create dances in various media and other content areas.

(5) Critical evaluation and response. The student makes informed personal judgments about dance and the meaning and role of dance in society. The student is expected to:

(A) design and apply criteria for evaluating the quality and effectiveness of dance performances while incorporating appropriate etiquette in the classroom and performances;

(B) create relationships between dance and other content subjects;

(C) compare and contrast the content and choreographic structures used by various American choreographers; and

(D) interpret, evaluate, and justify artistic decisions of personal dance works.

§117.208. *Music, Middle School 1, Adopted 2013.*

(a) General requirements. Students in Grades 6, 7, or 8 enrolled in the first year of music may select from the following courses: General Music 6, Middle School 1 Band, Middle School 1 Choir, Middle School 1 Orchestra, Middle School 1 Instrumental Ensemble, or Middle School 1 Vocal Ensemble.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking skills of music to sing, play, read, write, and/or move. By experiencing musical periods and styles, students will understand the relevance of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered. Through critical listening, students analyze, evaluate, and respond to music, developing criteria for making critical judgments and informed choices.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: music literacy. The student describes and analyzes music and musical sound. The student explores fundamental skills appropriate for a developing young musician. The student is expected to:

(A) experience and explore exemplary musical examples using technology and available live performances;

(B) describe tonal and rhythmic musical elements using standard terminology such as instrumentation, voicing, intervals, solfège, absolute note names, rhythmic values, and counting systems;

(C) describe musical elements of rhythm, including whole notes, half notes, quarter notes, paired and single eighth notes, sixteenth notes, corresponding rests, and meter, including 2/4, 3/4, and 4/4, using standard terminology;

(D) identify musical forms presented aurally and through music notation such as binary, ternary, phrasic, rondo, and theme and variations; and

(E) explore health and wellness concepts related to musical practice such as body mechanics, hearing protection, vocal health, hydration, and appropriate hygienic practice.

(2) Foundations: music literacy. The student reads and writes music notation using an established system for rhythm and melody. The student is expected to:

(A) identify music symbols and terms referring to notation, including repeat sign; dynamics, including crescendo, decrescendo, piano, and forte; tempi, including accelerando, ritardando, moderato, and allegro; and articulations, including staccato and legato;

(B) notate meter, rhythm, pitch, and dynamics using standard symbols in a handwritten or computer-generated format;

(C) create rhythmic phrases using known rhythms and melodic phrases using known pitches at an appropriate level of difficulty within an established system of notation;

(D) read music notation using appropriate cognitive and kinesthetic responses such as inner hearing, silent fingering, shadow bowing, or Curwen hand signs; and

(E) sight read unison and homophonic music using the appropriate clef in a minimum of two keys and three meters, including 2/4, 3/4, and 4/4.

(3) Creative expression. The student demonstrates musical artistry by singing or playing an instrument, alone and in groups, performing a variety of unison, homophonic, and polyphonic repertoire. The student makes music at an appropriate level of difficulty and performs in a variety of genres from notation and by memory. The student is expected to:

(A) demonstrate, alone and in groups, characteristic vocal or instrumental timbre;

(B) perform music alone and in groups, demonstrating appropriate physical fundamental techniques such as hand position, bowing, embouchure, articulation, and posture;

(C) perform independently and expressively, with accurate intonation and rhythm, developing fundamental skills and appropriate solo, small ensemble, and large ensemble performance techniques;

(D) perform independently and expressively a varied repertoire of music representing various styles and cultures;

(E) sight-read independently and expressively, with accurate intonation and rhythm, demonstrating fundamental skills and appropriate solo, small ensemble, and large ensemble performance techniques in known keys and rhythms;

(F) interpret music symbols and terms referring to keys; clefs; dynamics, including crescendo, decrescendo, piano, and forte; tempi, including accelerando and ritardando; and articulations, including staccato and legato, appropriately when performing; and

(G) create rhythmic phrases using known rhythms and melodic phrases using known pitches at an appropriate level of difficulty.

(4) Historical and cultural relevance. The student relates music to history, culture, and the world. The student is expected to:

(A) perform music representative of diverse cultures, including American and Texas heritage;

(B) describe written and aurally presented music representative of diverse styles, periods, and cultures;

(C) identify relationships of music concepts to other academic disciplines such as the relationship between music and mathematics, literature, history, and the sciences; and

(D) describe music-related vocations and avocations.

(5) Critical evaluation and response. The student listens to, responds to, and evaluates music and musical performance in both formal and informal settings. The student is expected to:

(A) demonstrate appropriate concert and stage etiquette as an informed, actively involved listener and performer during live and recorded performances in a variety of settings;

(B) identify criteria for listening to and evaluating musical performances;

(C) describe processes and select the tools for self-evaluation and personal artistic improvement such as critical listening and individual and group performance recordings;

(D) evaluate the quality and effectiveness of musical performances by comparing them to exemplary models; and

(E) demonstrate appropriate cognitive and kinesthetic responses to music and musical performances.

§117.209. Music, Middle School 2, Adopted 2013.

(a) General requirements. Students enrolled in the second year of music may select from the following courses: Middle School 2 Band, Middle School 2 Choir, Middle School 2 Orchestra, Middle School 2 Jazz Ensemble, Middle School 2 Instrumental Ensemble, or Middle School 2 Vocal Ensemble.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking skills of music to sing, play, read, write, and/or move. By experiencing musical periods and styles, students will understand the relevance of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered. Through critical listening, students analyze, evaluate, and re-

spond to music, developing criteria for making critical judgments and informed choices.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: music literacy. The student describes and analyzes music and musical sound. The student explores fundamental skills appropriate for a developing young musician. The student is expected to:

(A) compare and contrast exemplary musical examples using technology and available live performances;

(B) demonstrate knowledge of tonal and rhythmic musical elements using standard terminology such as instrumentation, voicing, intervals, solfège, absolute note names, rhythmic values, and counting systems;

(C) demonstrate knowledge of musical elements of rhythm, including whole notes, half notes, quarter notes, paired and single eighth notes, sixteenth notes, syncopated patterns, corresponding rests, and meter, including 2/4, 3/4, 4/4, and 6/8, using standard terminology;

(D) interpret musical forms such as binary, ternary, phrasic, rondo, and theme and variations presented aurally and through music notation; and

(E) describe health and wellness concepts related to musical practice such as body mechanics, hearing protection, vocal health, hydration, and appropriate hygienic practice.

(2) Foundations: music literacy. The student reads and writes music notation using an established system for rhythm and melody. The student is expected to:

(A) interpret music symbols and terms referring to notation, including fermata and coda; dynamics, including pianissimo to fortissimo; tempi, including andante, largo and adagio; and articulations, including accent, marcato, and previously known elements;

(B) notate meter, rhythm, pitch, and dynamics using standard symbols in a handwritten or computer-generated format;

(C) create increasingly complex rhythmic phrases, using known rhythms, and melodic phrases, using known pitches, within an established system of notation;

(D) read music notation using appropriate cognitive and kinesthetic responses such as inner hearing, silent fingering, shadow bowing, or Curwen hand signs; and

(E) sight-read unison, homophonic, and polyphonic music using the appropriate clef in a minimum of three keys and three meters, including 2/4, 3/4, and 4/4.

(3) Creative expression. The student demonstrates musical artistry by singing or playing an instrument, alone and in groups, performing a variety of unison, homophonic, and polyphonic repertoire. The student makes music at an appropriate level of difficulty and performs in a variety of genres from notation and by memory. The student is expected to:

(A) demonstrate, alone and in groups, characteristic vocal or instrumental timbre;

(B) perform music, alone and in groups, demonstrating appropriate physical fundamental techniques such as hand position, bowing, embouchure, articulation, and posture;

(C) perform independently and expressively, with accurate intonation and rhythm, demonstrating fundamental skills and appropriate solo, small ensemble, and large ensemble performance techniques;

(D) perform independently and expressively a varied repertoire of music representing various styles and cultures;

(E) sight-read independently and expressively, with accurate intonation and rhythm, demonstrating fundamental skills and appropriate solo, small ensemble, and large ensemble performance techniques in known keys and rhythms;

(F) interpret music symbols and terms referring to previously known elements; notation, including fermata and coda; keys; clefs; dynamics, including pianissimo to fortissimo; tempi, including andante, largo, and adagio; and articulations, including accent and marcato, appropriately when performing; and

(G) create increasingly complex rhythmic phrases using known rhythms and melodic phrases using known pitches at an appropriate level of difficulty.

(4) Historical and cultural relevance. The student relates music to history, culture, and the world. The student is expected to:

(A) perform music such as "The Star-Spangled Banner" and "Texas, Our Texas" that is representative of diverse cultures, including American and Texas heritage;

(B) examine written and aurally presented music representative of diverse genres, styles, periods, and cultures;

(C) identify relationships of music content and processes to other academic disciplines such as the relationship between music and mathematics, literature, history, and the sciences; and

(D) describe music-related vocations and avocations.

(5) Critical evaluation and response. The student listens to, responds to, and evaluates music and musical performance in both formal and informal settings. The student is expected to:

(A) demonstrate appropriate concert and stage etiquette as an informed, actively involved listener and performer during live and recorded performances in a variety of settings;

(B) apply criteria for listening to and evaluating musical performances;

(C) demonstrate processes and select the tools for self-evaluation and personal artistic improvement such as critical listening to individual and group performance recordings;

(D) identify and apply criteria for evaluating personal performances;

(E) evaluate the quality and effectiveness of musical performances by comparing them to exemplary models; and

(F) demonstrate appropriate cognitive and kinesthetic responses to music and musical performances.

§117.210. Music, Middle School 3, Adopted 2013.

(a) General requirements. Students enrolled in the third year of music may select from the following courses: Middle School 3 Band, Middle School 3 Choir, Middle School 3 Orchestra, Middle School 3 Jazz Ensemble, Middle School 3 Instrumental Ensemble, or Middle School 3 Vocal Ensemble.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower stu-

dents to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking skills of music to sing, play, read, write, and/or move. By experiencing musical periods and styles, students will understand the relevance of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered. Through critical listening, students analyze, evaluate, and respond to music, developing criteria for making critical judgments and informed choices.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: music literacy. The student describes and analyzes music and musical sound. The student demonstrates fundamental skills appropriate for a developing young musician. The student is expected to:

(A) compare and contrast exemplary musical examples using technology and available live performances;

(B) demonstrate detailed knowledge of tonal and rhythmic musical elements using standard terminology such as instrumentation, voicing, intervals, solfège, absolute note names, rhythmic values, and counting systems;

(C) demonstrate knowledge of musical elements of rhythm, including whole notes, half notes, quarter notes, paired and single eighth notes, sixteenth notes, syncopated patterns and corresponding rests, and varied meters, using standard terminology;

(D) analyze musical forms presented aurally and through music notation such as binary, ternary, phrasic, rondo, and theme and variations; and

(E) demonstrate health and wellness concepts related to musical practice such as hand positions, hearing protection, vocal health, hydration, and appropriate hygienic practice.

(2) Foundations: music literacy. The student reads and writes music notation using an established system for rhythm and melody. The student is expected to:

(A) analyze music symbols and terms referring to notation; dynamics; tempi, including largo to presto; articulations, including sforzando; and previously known elements;

(B) notate meter, rhythm, pitch, and dynamics using standard symbols in a handwritten or computer-generated format;

(C) create complex rhythmic phrases, using known rhythms, and complex melodic phrases, using known pitches, within an established system of notation;

(D) read music notation using appropriate cognitive and kinesthetic responses such as inner hearing, silent fingering, shadow bowing, or Curwen hand signs; and

(E) sight-read unison, homophonic, and polyphonic music using the appropriate clef in a variety of keys and meters.

(3) Creative expression. The student demonstrates musical artistry by singing or playing an instrument, alone and in groups, performing a variety of unison, homophonic, and polyphonic repertoire. The student makes music at an appropriate level of difficulty and performs in a variety of genres from notation and by memory. The student is expected to:

(A) model, alone and in groups, characteristic vocal or instrumental timbre;

(B) perform music alone and in groups, demonstrating appropriate physical fundamental techniques such as hand position, bowing, embouchure, articulation, and posture;

(C) perform independently and expressively, with accurate intonation and rhythm, demonstrating fundamental skills and appropriate solo, small ensemble, and large ensemble performance techniques;

(D) perform independently and expressively a varied repertoire of music representing various styles and cultures;

(E) sight-read independently and expressively, with accurate intonation and rhythm, demonstrating fundamental skills and appropriate solo, small ensemble, and large ensemble performance techniques in known keys and rhythms;

(F) interpret a variety of music symbols and terms, incorporating appropriate stylistic qualities when performing, including sforzando, largo to presto, and previously known elements; and

(G) create complex rhythmic phrases using known rhythms and complex melodic phrases using known pitches at an appropriate level of difficulty.

(4) Historical and cultural relevance. The student relates music to history, culture, and the world. The student is expected to:

(A) perform music such as "The Star-Spangled Banner" and "Texas, Our Texas" that is representative of diverse cultures, including American and Texas heritage;

(B) compare and contrast written and aurally presented music representative of diverse genres, styles, periods, and cultures;

(C) compare and contrast relationships of music content and processes to other academic disciplines such as the relationship between music and mathematics, literature, history, sciences, and language; and

(D) describe music-related vocations and avocations.

(5) Critical evaluation and response. The student listens to, responds to, and evaluates music and musical performance in both formal and informal settings. The student is expected to:

(A) model appropriate concert and stage etiquette as an informed, actively involved listener and performer during live and recorded performances in a variety of settings;

(B) apply criteria for listening to and evaluating musical performances;

(C) demonstrate processes and apply the tools for self-evaluation and personal artistic improvement such as critical listening to individual and group performance recordings;

(D) apply criteria for listening to and evaluating personal performances;

(E) evaluate the quality and effectiveness of musical performances by comparing them to exemplary models and offer constructive suggestions for improvement; and

(F) demonstrate appropriate cognitive and kinesthetic responses to music and musical performances.

§117.211. *Theatre, Middle School 1, Adopted 2013.*

(a) General requirements. When Theatre, Middle School 1 is part of a departmentalized middle school, students may select the following theatre course: Theatre, Middle School 1.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

(A) develop characterization based on sensory and emotional recall;

(B) expand body awareness and spatial perceptions using mime;

(C) respond to sounds, music, images, and the written word, incorporating movement;

(D) develop an understanding of the mechanisms of vocal production;

(E) identify theatrical vocabulary and terminology, including basic anatomy of theatre spaces; and

(F) identify the structure and form in examples of dramatic literature.

(2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:

(A) demonstrate safe use of the voice and body;

(B) imagine and clearly describe characters, their relationships, and their surroundings;

(C) select movements and dialogue to appropriately portray an imaginative character drawn from personal experience, cultural heritage, literature, and history;

(D) dramatize literary selections and imitate life experiences through dramatic play;

(E) express emotions and ideas using interpretive movements and dialogue; and

(F) create environments, characters, and actions.

(3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:

(A) create character, environment, action, and theme collaboratively through the safe use of props, costumes, and visual elements;

(B) create suitable environments for dramatizations;

(C) collaborate to plan brief dramatizations; and

(D) use technology in theatrical applications such as live theatre, video, and film.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

(A) demonstrate the role of theatre as a reflection of history, society, and culture through participation in dramatic activities; and

(B) explore the influences of theatre, film, television, and electronic media such as key developments, figures, and works in society.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) identify and apply audience etiquette at all performances;

(B) develop simple oral and written observations about the visual, aural, oral, and kinetic aspects of theatrical performances such as informal playmaking or formal theatre;

(C) identify production elements of theatre, film, television, and other media; and

(D) examine selected occupations in theatre such as director, stage manager, actor, designer, running crew, front of house, and educator.

§117.212. *Theatre, Middle School 2, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

- (A) explore characterization using sensory and emotional recall;
- (B) develop and apply theatre preparation and warm-up techniques;
- (C) create expressive and rhythmic movements;
- (D) develop an increased understanding of the mechanisms of vocal production;
- (E) demonstrate knowledge of theatrical vocabulary and terminology; and
- (F) analyze and evaluate the structure and form of dramatic literature.

(2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:

- (A) demonstrate safe use of the voice and body;
- (B) define characters by what they do, what they say, and what others say about them;
- (C) select movements and dialogue to portray a character appropriately;

(D) create stories collaboratively and individually that have dramatic structure;

(E) apply knowledge of effective voice and diction techniques to express thoughts and feelings;

(F) compare and contrast dramatic performances to life; and

(G) create improvised scenes that include setting, character, and plot.

(3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:

(A) determine specific technical elements to provide a safe setting and to support character and action in improvised and scripted scenes;

(B) create theatrical elements such as scenery, properties, lighting, sound, costume, makeup, and publicity appropriate to specific performances;

(C) define the role of the director; and

(D) use technology in theatrical applications such as live theatre, video, and film.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

(A) demonstrate knowledge of theatre as a reflection of life in particular times, places, and cultures;

(B) explore the relevance and influence of theatre heritage and dramatic texts on the student's daily life; and

(C) explore the roles of theatre, film, television, and electronic media such as key developments, figures, and works on American society.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) understand and demonstrate appropriate audience etiquette at various types of performances;

(B) evaluate the effectiveness of selected film and television performances;

(C) demonstrate knowledge of production elements in theatre, film, television, and other media; and

(D) explore career and vocational opportunities in theatre.

§117.213. *Theatre, Middle School 3, Adopted 2013.*

(a) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(b) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

- (A) evaluate characterization using emotional and sensory recall;
- (B) explore preparation and warm-up techniques;
- (C) create expressive movement and mime to define space and characters;
- (D) demonstrate an increased understanding of the mechanisms of vocal production;
- (E) apply knowledge of theatrical vocabulary and terminology; and
- (F) explore and evaluate the structure and form of dramatic literature.

(2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:

- (A) demonstrate safe use of the voice and body;
- (B) portray characters through familiar movements and dialogue;
- (C) create characters, dialogue, and actions that reflect dramatic structure in improvised and scripted scenes, individually and collaboratively; and
- (D) express thoughts and feelings using effective voice and diction.

(3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:

- (A) recognize and select specific technical elements to suggest environment, establish mood, and support character and actions for performance;
- (B) create theatrical elements such as scenery, properties, lighting, sound, costume, makeup, and publicity using the principles of design;

(C) explore the director's role as a unifying force, problem solver, interpreter of script, and collaborator; and

(D) use technology in theatrical applications such as live theatre, video, and film.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

(A) demonstrate theatre as a reflection of life in particular times, places, and cultures through performance;

(B) explore theatre heritage such as historical and cultural influences as it is preserved in dramatic text, traditions, and conventions; and

(C) explore the roles of theatre, film, television, and electronic media such as key developments, figures, and works on American society.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) understand and demonstrate appropriate audience etiquette at various types of live performances;

(B) develop a knowledge of the terminology and process of evaluation such as intent, structure, effectiveness, and value and apply this process to performances using appropriate theatre vocabulary;

(C) demonstrate knowledge of production elements in theatre, film, television, and other media; and

(D) explore career and vocational opportunities in theatre.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Texas Education Agency

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



SUBCHAPTER F. HIGH SCHOOL

19 TAC §§117.301 - 117.326

The new sections are adopted under the Texas Education Code, §7.102(c)(4), which authorizes the SBOE to establish curriculum and graduation requirements; §28.002, which authorizes the SBOE to identify by rule the essential knowledge and skills of each subject of the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials; and §28.025, which authorizes the SBOE to determine by rule curriculum requirements for the minimum, recommended, and advanced high school programs that are consistent with the required curriculum under §28.002.

The new sections implement the Texas Education Code, §§7.102(c)(4), 28.002, and 28.025.

§117.302. *Art, Level I (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following art courses: Art I, Art Appreciation, and Art and Media Communications I (one credit per course).

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences as sources for thinking about, planning, and creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning about, understanding, and applying the elements of art, principles of design, and expressive qualities. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating original artwork. The student is expected to:

(A) consider concepts and ideas from direct observation, original sources, experiences, and imagination for original artwork;

(B) identify and understand the elements of art, including line, shape, color, texture, form, space, and value, as the fundamentals of art in personal artwork;

(C) identify and understand the principles of design, including emphasis, repetition/pattern, movement/rhythm, contrast/variety, balance, proportion, and unity, in personal artwork; and

(D) make judgments about the expressive properties such as content, meaning, message, and metaphor of artwork using art vocabulary accurately.

(2) Creative expression. The student communicates ideas through original artwork using a variety of media with appropriate

skills. The student expresses thoughts and ideas creatively while challenging the imagination, fostering reflective thinking, and developing disciplined effort and progressive problem-solving skills. The student is expected to:

(A) use visual solutions to create original artwork by problem solving through direct observation, original sources, experiences, narrations, and imagination;

(B) communicate a variety of applications for design solutions;

(C) use an understanding of copyright and public domain to appropriate imagery constituting the main focal point of original artwork when working from images rather than direct observation or imagination;

(D) create original artwork to communicate thoughts, feelings, ideas, or impressions;

(E) collaborate to create original works of art; and

(F) demonstrate effective use of art media and tools in drawing, painting, printmaking, sculpture, ceramics, fiber art, design, and digital art and media.

(3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:

(A) compare and contrast historical and contemporary styles while identifying general themes and trends;

(B) describe general characteristics in artwork from a variety of cultures, which might also include personal identity and heritage;

(C) collaborate on community-based art projects; and

(D) compare and contrast career and avocational opportunities in art.

(4) Critical evaluation and response. The student responds to and analyzes the artworks of self and others, contributing to the development of the lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:

(A) interpret, evaluate, and justify artistic decisions in artwork by self, peers, and other artists such as that in museums, local galleries, art exhibits, and websites;

(B) evaluate and analyze artwork using a verbal or written method of critique such as describing the artwork, analyzing the way it is organized, interpreting the artist's intention, and evaluating the success of the artwork;

(C) construct a physical or electronic portfolio by evaluating and analyzing personal original artwork to provide evidence of learning; and

(D) select and analyze original artwork, portfolios, and exhibitions to form precise conclusions about formal qualities, historical and cultural contexts, intentions, and meanings.

§117.303. *Art, Level II (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following art courses: Art II, Drawing I, Painting I, Printmaking I, Fibers I, Ceramics I, Sculpture I, Jewelry I, Photography I, Design I, Digital Art and Media I, and Art and Media Communications

II (one credit per course). The prerequisite for each art course listed in this subsection is one credit of Art, Level I.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences as sources for thinking about, planning, and creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning about, understanding, and applying the elements of art, principles of design, and expressive qualities. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating original artworks. The student is expected to:

(A) use visual comparisons to illustrate concepts and ideas from direct observation, original sources, experiences, narration, and imagination for original artworks;

(B) identify and apply the elements of art, including line, shape, color, texture, form, space, and value, as the fundamentals of art in personal artworks;

(C) identify and apply the principles of design, including emphasis, repetition/pattern, movement/rhythm, contrast/variety, balance, proportion, and unity in personal artworks; and

(D) explore suitability of art media and processes to express specific ideas such as content, meaning, message, appropriation, and metaphor relating to visual themes of artworks using art vocabulary accurately.

(2) Creative expression. The student communicates ideas through original artworks using a variety of media with appropriate skills. The student expresses thoughts and ideas creatively while challenging the imagination, fostering reflective thinking, and developing

disciplined effort and progressive problem-solving skills. The student is expected to:

(A) create original artwork using multiple solutions from direct observation, original sources, experiences, and imagination in order to expand personal themes that demonstrate artistic intent;

(B) apply design skills in creating practical applications, clarifying presentations, and examining consumer choices in order to make successful design decisions;

(C) use an understanding of copyright and public domain to appropriate imagery constituting the main focal point of original artwork when working from images rather than direct observation or imagination;

(D) create original artwork to communicate thoughts, feelings, ideas, or impressions;

(E) collaborate to create original works of art; and

(F) select from a variety of art media and tools to communicate specific ideas in drawing, painting, printmaking, sculpture, ceramics, fiber art, jewelry, mixed media, photography, and digital art and media.

(3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:

(A) examine selected historical periods or styles of art to identify general themes and trends;

(B) analyze specific characteristics in artwork from a variety of cultures;

(C) collaborate on community-based art projects; and

(D) examine and research career, entrepreneurial, and avocational opportunities in art.

(4) Critical evaluation and response. The student responds to and analyzes the artworks of self and others, contributing to the development of the lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:

(A) interpret, evaluate, and justify artistic decisions in artwork by self, peers, and other artists such as that in museums, local galleries, art exhibits, and websites;

(B) evaluate and analyze artwork using a method of critique such as describing the artwork, analyzing the way it is organized, interpreting the artist's intention, and evaluating the success of the artwork;

(C) use responses to artwork critiques to make decisions about future directions in personal work;

(D) construct a physical or electronic portfolio by evaluating and analyzing personal original artworks to provide evidence of learning; and

(E) select and analyze original artwork, portfolios, and exhibitions to form precise conclusions about formal qualities, historical and cultural contexts, intentions, and meanings.

§117.304. *Art, Level III (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following art courses: Art III, Drawing II, Painting II, Printmaking II, Fibers II, Ceramics II, Sculpture II, Jewelry II, Photography

II, Design II, Digital Art and Media II, Advanced Placement (AP) Studio Art: Drawing Portfolio, AP Studio Art: Two-Dimensional Design Portfolio, AP Studio Art: Three-Dimensional Design Portfolio, AP Art History, International Baccalaureate (IB) Visual Arts I Standard Level (SL), or IB Visual Arts I Higher Level (HL) (one credit per course). There are no prerequisites for AP Art History and all IB courses. One credit in an Art, Level II course is a recommended prerequisite for AP Studio Art: Drawing Portfolio, AP Studio Art: Two-Dimensional Design Portfolio, and AP Studio Art: Three-Dimensional Design Portfolio. The prerequisite for all other Art, Level III courses is one credit of Art, Level II in the corresponding discipline.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences as sources for thinking about, planning, and creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning about, understanding, and applying the elements of art, principles of design, and expressive qualities. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating original artwork. The student is expected to:

(A) analyze visual characteristics of sources to illustrate concepts, demonstrate flexibility in solving problems, create multiple solutions, and think imaginatively;

(B) compare and contrast the elements of art, including line, shape, color, texture, form, space, and value, as the fundamentals of art in personal artwork;

(C) compare and contrast the principles of design, including emphasis, repetition/pattern, movement/rhythm, contrast/variety, balance, proportion, and unity, in personal artwork; and

(D) explore the suitability of art media and processes and select those appropriate to express specific ideas such as content, meaning, message, and metaphor relating to visual themes to interpret the expressive qualities of artwork.

(2) Creative expression. The student communicates ideas through original artwork using a variety of media with appropriate skills. The student expresses thoughts and ideas creatively while challenging the imagination, fostering reflective thinking, and developing disciplined effort and progressive problem-solving skills. The student is expected to:

(A) create original artwork using multiple solutions from direct observation, original sources, experiences, and imagination in order to expand personal themes that demonstrate artistic intent;

(B) solve visual problems and develop multiple solutions for designing ideas, creating practical applications, clarifying presentations, and evaluating consumer choices in order to make successful design decisions;

(C) use an understanding of copyright and public domain to appropriate imagery constituting the main focal point of original artwork when working from images rather than direct observation or imagination;

(D) create original artwork to communicate thoughts, feelings, ideas, or impressions;

(E) collaborate to create original works of art; and

(F) select from a variety of art media and tools to express intent in drawing, painting, printmaking, sculpture, ceramics, fiber art, design, digital art and media, photography, jewelry, and mixed media.

(3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:

(A) research selected historical periods, artists, general themes, trends, and styles of art;

(B) distinguish the correlation between specific characteristics and influences of various cultures and contemporary artwork;

(C) collaborate on community-based art projects; and

(D) examine, research, and develop a plan of action for relevant career, entrepreneurial, and avocational art opportunities within a global economy.

(4) Critical evaluation and response. The student responds to and analyzes the artworks of self and others, contributing to the development of the lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:

(A) interpret, evaluate, and justify artistic decisions in artwork such as that in museums, local galleries, art exhibits, and websites based on evaluation of developmental progress, competency in problem solving, and a variety of visual ideas;

(B) evaluate and analyze artwork using a method of critique such as describing the artwork, analyzing the way it is organized, interpreting the artist's intention, and evaluating the success of the artwork;

(C) analyze personal artwork in order to create a written response such as an artist's statement reflecting intent, inspiration, the

elements of art and principles of design within the artwork, and measure of uniqueness;

(D) use responses to artwork critiques to make decisions about future directions in personal work;

(E) construct a physical or electronic portfolio by evaluating and analyzing personal original artwork to provide evidence of learning; and

(F) select and analyze original artwork, portfolios, and exhibitions to demonstrate innovation and provide examples of in-depth exploration of qualities such as aesthetics; formal, historical, and cultural contexts; intentions; and meanings.

§117.305. *Art, Level IV (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following art courses: Art IV, Drawing III, Painting III, Printmaking III, Fibers III, Ceramics III, Sculpture III, Jewelry III, Photography III, Design III, Digital Art and Media III, Advanced Placement (AP) Studio Art: Drawing Portfolio, AP Studio Art: Two-Dimensional Design Portfolio, AP Studio Art: Three-Dimensional Design Portfolio, AP Art History, International Baccalaureate (IB) Visual Arts II Standard Level (SL), and IB Visual Arts II Higher Level (HL) (one credit per course). There are no prerequisites for AP Art History. The prerequisites for the IB courses listed in this subsection are the corresponding Art, Level II IB courses. One credit in an Art, Level II course is a recommended prerequisite for AP Studio Art: Drawing Portfolio, AP Studio Art: Two-Dimensional Design Portfolio, and AP Studio Art: Three-Dimensional Design Portfolio. The prerequisite for all other Art, Level IV courses is one credit of Art, Level III in the corresponding discipline.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: observation and perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Each strand is of equal value and may be presented in any order throughout the year. Students rely on personal observations and perceptions, which are developed through increasing visual literacy and sensitivity to surroundings, communities, memories, imaginings, and life experiences as sources for thinking about, planning, and creating original artworks. Students communicate their thoughts and ideas with innovation and creativity. Through art, students challenge their imaginations, foster critical thinking, collaborate with others, and build reflective skills. While exercising meaningful problem-solving skills, students develop the lifelong ability to make informed judgments.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: observation and perception. The student develops and expands visual literacy skills using critical thinking, imagination, and the senses to observe and explore the world by learning about, understanding, and applying the elements of art, principles of design, and expressive qualities. The student uses what the student sees, knows, and has experienced as sources for examining, understanding, and creating original artwork. The student is expected to:

(A) consider concepts and themes for personal artwork that integrate an extensive range of visual observations, experiences, and imagination;

(B) compare and contrast the elements of art, including line, shape, color, texture, form, space, and value, as the fundamentals of art in personal artwork;

(C) compare and contrast the principles of design, including emphasis, repetition/pattern, movement/rhythm, contrast/variety, balance, proportion, and unity, in personal artwork; and

(D) discriminate between art media and processes to express complex visual relationships such as content, meaning, message, and metaphor using extensive art vocabulary.

(2) Creative expression. The student communicates ideas through original artworks using a variety of media with appropriate skills. The student expresses thoughts and ideas creatively while challenging the imagination, fostering reflective thinking, and developing disciplined effort and progressive problem-solving skills. The student is expected to:

(A) produce an original body of artwork that integrates information from a variety of sources, including original sources, and demonstrates sustained self-directed investigations into specific themes such as a series or concentration of works;

(B) evaluate and justify design ideas and concepts to create a body of personal artwork;

(C) use an understanding of copyright and public domain to appropriate imagery constituting the main focal point of original artwork when working from images rather than direct observation or imagination;

(D) create original artwork to communicate thoughts, feelings, ideas, or impressions;

(E) collaborate to create original works of art; and

(F) create artwork, singularly and in a series, by selecting from a variety of art materials and tools appropriate to course work in drawing, painting, printmaking, sculpture, ceramics, fiber art, design, digital art and media, photography, jewelry, and mixed media.

(3) Historical and cultural relevance. The student demonstrates an understanding of art history and culture by analyzing artistic styles, historical periods, and a variety of cultures. The student develops global awareness and respect for the traditions and contributions of diverse cultures. The student is expected to:

(A) research and report on selected historical periods, artists, general themes, trends, and styles of art;

(B) analyze and evaluate the influence of contemporary cultures on artwork;

(C) collaborate on community-based art projects; and

(D) examine, research, and develop a plan of action for relevant career or entrepreneurial art opportunities within a global economy, justifying the choice.

(4) Critical evaluation and response. The student responds to and analyzes the artworks of self and others, contributing to the development of the lifelong skills of making informed judgments and reasoned evaluations. The student is expected to:

(A) develop evaluative criteria to justify artistic decisions in artwork such as that in museums, local galleries, art exhibits, and websites based on a high level of creativity and expertise in one or more art areas;

(B) evaluate and analyze artwork using a method of critique such as describing the artwork, analyzing the way it is organized, interpreting the artist's intention, and evaluating the success of the artwork;

(C) analyze personal artwork in order to create a written response such as an artist's statement reflecting intent, inspiration, the elements of art and principles of design within the artwork, and the measure of uniqueness;

(D) use responses to artwork critiques to make decisions about future directions in personal work;

(E) construct a physical or electronic portfolio by evaluating and analyzing personal original artwork to provide evidence of learning; and

(F) evaluate a wide range of artwork to form conclusions about formal qualities, aesthetics, historical and cultural contexts, intents, and meanings.

§117.306. *Dance, Level I (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following dance courses: Principles of Dance I, Ballet I, Modern/Contemporary Dance I, Jazz I, Tap I, World Dance Forms I, Dance Composition/Improvisation I, Dance Theory I, Dance Performance/Ensemble I, Dance and Media Communication I, Dance Production I, and Dance Wellness I (one credit per course). The prerequisite for Dance and Media Communication I is Dance, Middle School 1, 2, or 3.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Dance students develop perceptual thinking and movement abilities in daily life, promoting an understanding of themselves and others. Students develop movement principles and technical skills and explore choreographic and performance qualities. Students develop self-discipline

and healthy bodies that move expressively, efficiently, and safely through space and time with a sensitive kinesthetic awareness. Students recognize dance as a vehicle for understanding historical and cultural relevance, increasing an awareness of heritage and traditions of their own and others, and enabling them to participate in a diverse society. Evaluating and analyzing dance allows students to strengthen decision-making skills, develop critical and creative thinking, and develop artistic and creative processes. Students continue to explore technology and its application to dance and movement, enabling them to make informed decisions about dance.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: perception. The student develops an awareness of the body's movement using sensory information while dancing. The student is expected to:

(A) define basic kinesthetic and spatial awareness individually and in groups;

(B) identify a comprehensive understanding of health, safety, and wellness for dancers;

(C) recognize knowledge of dance genres, styles, and vocabulary; and

(D) identify images found in the environment through movement.

(2) Creative expression: artistic process. The student develops knowledge and skills of dance elements, choreographic processes, and forms in a variety of dance genres and styles. The student is expected to:

(A) explain basic principles of proper body alignment;

(B) explore, improvise, and demonstrate original movement during the creative process;

(C) express ideas and emotions through movement; and

(D) create basic compositional forms using fundamental dance elements for choreographic processes.

(3) Creative expression: performance. The student demonstrates knowledge and execution of technical dance skills in a variety of dance genres and styles through performing. The student is expected to:

(A) perform memorized movement sequences with rhythmical accuracy in dance genres and styles such as ballet, modern dance, tap, jazz, musical theatre dance, and world dance forms;

(B) identify the effective use of dance elements in practice and performance;

(C) perform basic compositional forms using fundamental choreographic processes; and

(D) understand the principles of an effective warm-up and cool-down, implementing elements of proper conditioning for performing skills.

(4) Historical and cultural relevance. The student demonstrates an understanding of cultural, historical, and artistic diversity. The student is expected to:

(A) perform the characteristics of dances from several diverse cultures or historical periods;

(B) perform dance phrases or dances from several time periods with an understanding of historical and social contexts;

(C) identify historical figures in dance history and their significance; and

(D) identify dance in various media and content areas.

(5) Critical evaluation and response. The student makes informed personal judgments about dance and the meaning and role of dance in society. The student is expected to:

(A) incorporate appropriate movement vocabulary when identifying qualities and discussing meaning of performance or production in dance;

(B) demonstrate appropriate audience behavior and etiquette in the classroom and at performances;

(C) identify relationships between dance and other content areas; and

(D) identify knowledge and skills of technology in dance.

§117.307. Dance, Level II (One Credit), Adopted 2013.

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following dance courses: Principles of Dance II, Ballet II, Modern/Contemporary Dance II, Jazz II, Tap II, World Dance Forms II, Dance Composition/Improvisation II, Dance Theory II, Dance Performance/Ensemble II, Dance Production II, Dance Wellness II, and Dance and Media Communications II (one credit per course). The prerequisite for each Dance, Level II course is one credit of Dance, Level I in the corresponding discipline.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Dance students develop perceptual thinking and movement abilities in daily life, promoting an understanding of themselves and others. Students develop movement principles and technical skills and explore choreographic and performance qualities. Students develop self-discipline and healthy bodies that move expressively, efficiently, and safely through space and time with a sensitive kinesthetic awareness. Students recognize dance as a vehicle for understanding historical and cultural relevance, increasing an awareness of heritage and traditions of their own and others, and enabling them to participate in a diverse society. Evaluating and analyzing dance allows students to strengthen decision-making skills, develop critical and creative thinking, and develop artistic and creative processes. Students will continue to explore technology and its application to dance and movement, enabling them to make informed decisions about dance.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: perception. The student develops an awareness of the body's movement using sensory information while dancing. The student is expected to:

(A) demonstrate kinesthetic and spatial awareness individually and in groups;

(B) expand a comprehensive understanding of health, safety, and wellness for dancers;

(C) demonstrate effective knowledge of dance genres, styles, and vocabulary; and

(D) interpret details in movement in natural and constructed environments.

(2) Creative expression: artistic process. The student develops knowledge and skills of dance elements, choreographic processes, and forms in a variety of dance genres and styles. The student is expected to:

(A) expand a comprehensive understanding of principles of proper body alignment;

(B) explore, improvise, and perform original movement during the creative process;

(C) expand the expression of ideas and emotions through movement; and

(D) create enhanced compositional forms using fundamental dance elements for choreographic processes.

(3) Creative expression: performance. The student demonstrates knowledge and execution of technical dance skills in a variety of dance genres and styles through performing. The student is expected to:

(A) perform extended movement patterns with rhythmical accuracy in dance genres and styles such as ballet, modern dance, tap, jazz, musical theatre dance, and world dance forms;

(B) demonstrate the elements of dance effectively;

(C) perform enhanced compositional forms using sound choreographic processes; and

(D) implement an effective warm-up and cool-down, implementing the elements of proper conditioning for performing skills.

(4) Historical and cultural relevance. The student demonstrates an understanding of cultural, historical, and artistic diversity. The student is expected to:

(A) analyze dances of various cultures or historical periods;

(B) choreograph short dance phrases that exhibit an understanding of various historical periods and social contexts;

(C) perform dances in various media and content areas; and

(D) interpret historical and cultural dance forms using technology.

(5) Critical evaluation and response. The student makes informed personal judgments about dance and the meaning and role of dance in society. The student is expected to:

- (A) identify characteristics of a variety of dances;
- (B) analyze qualities of performance and proper etiquette in dance;
- (C) identify similarities of form and expression in dance and other content areas; and
- (D) apply knowledge and skills of technology in dance.

§117.308. *Dance, Level III (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following dance courses: Principles of Dance III, Ballet III, Modern/Contemporary Dance III, Jazz III, Tap III, World Dance Forms III, Dance Composition/Improvisation III, Dance Theory III, Dance Performance/Ensemble III, Dance Production III, Dance Wellness III, Dance History I, and International Baccalaureate (IB) Dance I (one credit per course). The prerequisite for each Dance, Level III course is one credit of Dance, Level II in the corresponding discipline, excluding Dance History I and IB Dance I courses.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Dance students develop perceptual thinking and movement abilities in daily life, promoting an understanding of themselves and others. Students develop movement principles and technical skills and explore choreographic and performance qualities. Students develop self-discipline and healthy bodies that move expressively, efficiently, and safely through space and time with a sensitive kinesthetic awareness. Students recognize dance as a vehicle for understanding historical and cultural relevance, increasing an awareness of heritage and traditions of their own and others, and enabling them to participate in a diverse society. Evaluating and analyzing dance allows students to strengthen decision-making skills, develop critical and creative thinking, and develop artistic and creative processes. Students continue to explore technology and its application to dance and movement, enabling them to make informed decisions about dance.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: perception. The student develops an awareness of the body's movement using sensory information while dancing. The student is expected to:

- (A) analyze kinesthetic and spatial awareness individually and in groups;
- (B) distinguish a comprehensive understanding of health, safety, and wellness for dancers;
- (C) compare knowledge and skills of dance genres, styles, and vocabulary; and
- (D) differentiate designs and images in natural and constructed environments.

(2) Creative expression: artistic process. The student develops knowledge and skills of dance elements, choreographic processes, and forms in a variety of dance genres and styles. The student is expected to:

- (A) create dance studies using original movement based on theme and variation;
- (B) experiment, improvise, and perform original movement during the creative process;
- (C) compare and contrast the expression of ideas and emotions through movement; and
- (D) differentiate compositional forms using intermediate dance elements for choreographic processes.

(3) Creative expression: performance. The student demonstrates knowledge and execution of technical dance skills in a variety of dance genres and styles through performing. The student is expected to:

- (A) perform and examine memorized complex movement sequences with rhythmical accuracy in dance genres and styles such as ballet, modern dance, tap, jazz, musical theatre dance, and world dance forms;
- (B) execute a wide range of dynamics in quality movement;
- (C) perform with projection, confidence, and expression when executing dance movements; and
- (D) distinguish an effective warm-up and cool-down, implementing the elements of proper conditioning for performing skills.

(4) Historical and cultural relevance. The student demonstrates an understanding of cultural, historical, and artistic diversity. The student is expected to:

- (A) compare similarities and differences in steps, styles, and traditions from various cultures or historical periods;
- (B) recognize and evaluate dances as they relate to various historical periods and social contexts;
- (C) create and experiment with dances in various media and content areas; and
- (D) research historical and cultural dance forms using technology.

(5) Critical evaluation and response. The student makes informed personal judgments about dance and the meaning and role of dance in society. The student is expected to:

- (A) compare characteristics and qualities of a variety of dances;
- (B) analyze dance from a variety of perspectives such as those of dance critic, performer, choreographer, and audience member;

(C) understand the relationship of dance performance skills and other content areas; and

(D) experiment with knowledge and skills of technology through a dance portfolio.

§117.309. *Dance, Level IV (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following dance courses: Principles of Dance IV, Ballet IV, Modern/Contemporary Dance IV, Jazz IV, Tap IV, World Dance Forms IV, Dance Composition/Improvisation IV, Dance Theory IV, Dance Performance/Ensemble IV, Dance Production IV, Dance Wellness IV, Dance History II, and International Baccalaureate (IB) Dance II (one credit per course). The prerequisite for each Dance, Level IV course is one credit of Dance, Level III in the corresponding discipline.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: perception; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. Dance students develop perceptual thinking and movement abilities in daily life, promoting an understanding of themselves and others. Students develop movement principles and technical skills and explore choreographic and performance qualities. Students develop self-discipline and healthy bodies that move expressively, efficiently, and safely through space and time with a sensitive kinesthetic awareness. Students recognize dance as a vehicle for understanding historical and cultural relevance, increasing an awareness of heritage and traditions of their own and others, and enabling them to participate in a diverse society. Evaluating and analyzing dance allows students to strengthen decision-making skills, develop critical and creative thinking, and develop artistic and creative processes. Students continue to explore technology and its application to dance and movement, enabling them to make informed decisions about dance.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: perception. The student develops an awareness of the body's movement using sensory information while dancing. The student is expected to:

(A) evaluate kinesthetic and spatial awareness individually and in groups;

(B) develop a working knowledge of health, safety, and wellness for dancers;

(C) demonstrate and evaluate a working knowledge and skills of dance genres, styles, and vocabulary; and

(D) create designs and images found in natural and constructed environments.

(2) Creative expression: artistic process. The student develops knowledge and skills of dance elements, choreographic processes, and forms in a variety of dance genres and styles. The student is expected to:

(A) create and improvise dance studies using original movement based on theme and variation to successfully communicate an idea;

(B) improvise, construct, and evaluate original movement studies;

(C) evaluate the expression of ideas and emotions through movement; and

(D) design compositional forms implementing advanced dance elements for choreographic processes.

(3) Creative expression: performance. The student demonstrates knowledge and execution of technical dance skills in a variety of dance genres and styles through performing. The student is expected to:

(A) assess performance of memorized complex movement sequences with rhythmical accuracy in dance genres and styles such as ballet, modern dance, tap, jazz, musical theatre dance, and world dance forms;

(B) perform dance movements with a refined sense of musicality and expressiveness and a wide range of spatial qualities;

(C) evaluate the performance of projection, confidence, and expression in the movement; and

(D) design an effective warm-up and cool-down, implementing the elements of proper conditioning for performing skills.

(4) Historical and cultural relevance. The student demonstrates an understanding of cultural, historical, and artistic diversity. The student is expected to:

(A) evaluate choreography in dances from various cultures or historical periods;

(B) research and create a project using technology to illustrate an understanding of significant dance events or historical figures in appropriate social, historical, and cultural contexts;

(C) improvise and construct dances in various media and content areas; and

(D) evaluate historical and cultural dance forms using technology.

(5) Critical evaluation and response. The student makes informed personal judgments about dance and the meaning and role of dance in society. The student is expected to:

(A) evaluate personal dance compositions and the work of others;

(B) create and reconstruct a choreographic study using varied media and environments;

(C) create a portfolio based on personal artistic works, performance works, or research; and

(D) perform and evaluate a choreographic study using varied media and environments.

§117.310. *Music, Level I (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following music courses: Band I, Choir I, Orchestra I, Jazz Ensemble I, Jazz Improvisation I, Instrumental Ensemble I, Vocal Ensemble I, World Music Ensemble I, Applied Music I, Mariachi I, Piano I, Guitar I, and Harp I (one credit per course).

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking skills of music to sing, play, read, write, and/or move. By experiencing musical periods and styles, students will understand the relevance of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered. Through critical listening, students analyze, evaluate, and respond to music, developing criteria for making critical judgments and informed choices.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: music literacy. The student describes and analyzes music and musical sounds. The student develops organizational skills, engages in problem solving, and explores the properties and capabilities of various musical idioms. The student is expected to:

(A) experience and explore exemplary musical examples using technology and available live performances;

(B) identify and describe melodic and harmonic parts when listening to and performing music using a melodic reading system such as solfège, numbers, letter names, note names, or scale degrees;

(C) define concepts of music notation, intervals, and chord structure using appropriate terminology;

(D) define concepts of rhythm and meter using appropriate terminology and counting system;

(E) explore elements of music such as rhythm, meter, melody, harmony, key, expression markings, texture, form, dynamics, and timbre through literature selected for performance; and

(F) apply health and wellness concepts related to music practice such as body mechanics, hearing protection, vocal health, hydration, and appropriate hygienic practices.

(2) Foundations: music literacy. The student reads and writes music notation using an appropriate notation system. The student is expected to:

(A) read and notate music that incorporates rhythmic patterns in simple, compound, and asymmetric meters; and

(B) interpret music symbols and expressive terms referring to dynamics, tempo, and articulation.

(3) Creative expression. The student demonstrates musical artistry by singing or playing an instrument individually and in groups. The student performs music in a variety of genres at an appropriate level of difficulty. The student performs from notation and by memory as appropriate. The student develops cognitive and psychomotor skills. The student is expected to:

(A) demonstrate mature, characteristic sound appropriate for the genre;

(B) demonstrate psychomotor and kinesthetic skills such as appropriate posture, breathing, text, diction, articulation, vibrato, bowings, fingerings, phrasing, independent manual dexterities, and percussion techniques;

(C) demonstrate rhythmic accuracy using appropriate tempo;

(D) demonstrate observance of key signature and modalities;

(E) demonstrate correct intonation, appropriate phrasing, and appropriate dynamics; and

(F) create and notate or record original musical phrases.

(4) Creative expression. The student sight reads, individually and in groups, by singing or playing an instrument. The student reads from notation at an appropriate level of difficulty in a variety of styles. The student is expected to:

(A) demonstrate mature, characteristic sound appropriate for the genre while sight reading;

(B) demonstrate psychomotor and kinesthetic skills such as use of appropriate posture, breathing, text, diction, articulation, vibrato, bowings, fingerings, phrasing, independent manual dexterities, and percussion techniques while sight reading;

(C) demonstrate rhythmic accuracy while sight reading using a counting system within an appropriate tempo;

(D) demonstrate observance of key signature and modalities while sight reading;

(E) demonstrate use of a melodic reading system such as solfège, numbers, letter names, note names, or scale degrees while sight reading; and

(F) demonstrate correct intonation, appropriate phrasing, and appropriate dynamics while sight reading.

(5) Historical and cultural relevance. The student relates music to history, culture, and the world. The student is expected to:

(A) compare and contrast music by genre, style, culture, and historical period;

(B) identify music-related vocations and avocations;

(C) identify and describe the uses of music in societies and cultures;

(D) identify and explore the relationship between music and other academic disciplines;

(E) identify and explore the impact of technologies, ethical issues, and economic factors on music, performers, and performances; and

(F) identify and explore tools for college and career preparation such as social media applications, repertoire lists, auditions, and interview techniques.

(6) Critical evaluation and response. The student listens to, responds to, and evaluates music and musical performance in both formal and informal settings. The student is expected to:

(A) practice informed concert etiquette as a performer and as an audience member during live and recorded performances in a variety of settings;

(B) design and apply criteria for making informed judgments regarding the quality and effectiveness of musical performances;

(C) develop processes for self-evaluation and select tools for personal artistic improvement; and

(D) evaluate musical performances by comparing them to exemplary models.

§117.311. Music, Level II (One Credit), Adopted 2013.

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following music courses: Band II, Choir II, Orchestra II, Jazz Ensemble II, Jazz Improvisation II, Instrumental Ensemble II, Vocal Ensemble II, World Music Ensemble II, Applied Music II, Mariachi II, Piano II, Guitar II, and Harp II (one credit per course). The prerequisite for each Music, Level II course is one credit of Music, Level I in the corresponding discipline.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking skills of music to sing, play, read, write, and/or move. By experiencing musical periods and styles, students will understand the relevance of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered. Through critical listening, students analyze, evaluate, and respond to music, developing criteria for making critical judgments and informed choices.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: music literacy. The student describes and analyzes music and musical sounds. The student develops organizational skills, engages in problem solving, and explores the properties and capabilities of various musical idioms. The student is expected to:

(A) compare and contrast exemplary musical examples using technology and available live performances;

(B) compare and contrast melodic and harmonic parts using a melodic reading system such as solfège, numbers, letter names, note names, or scale degrees;

(C) compare and contrast concepts of music notation, intervals, and chord structure using appropriate terminology;

(D) compare and contrast concepts of rhythm and meter using appropriate terminology and counting system;

(E) compare and contrast musical forms such as song, binary, ternary, and rondo selected for performance and listening;

(F) compare and contrast concepts of balance and blend using appropriate terminology;

(G) compare and contrast concepts of music such as rhythm, meter, melody, harmony, key, expression markings, dynamics, and timbre; and

(H) apply health and wellness concepts related to music practice such as body mechanics, hearing protection, vocal health, hydration, and appropriate hygienic practices.

(2) Foundations: music literacy. The student reads and notates music using an appropriate notation system. The student is expected to:

(A) read and notate music that incorporates rhythmic patterns in simple, compound, and asymmetric meters; and

(B) interpret music symbols and expressive terms referring to dynamics, tempo, and articulation.

(3) Creative expression. The student demonstrates musical artistry by singing or playing an instrument individually and in groups. The student performs music in a variety of genres at an increasing level of difficulty. The student performs from notation and by memory as appropriate. The student develops cognitive, affective, and psychomotor skills. The student is expected to:

(A) demonstrate increasingly mature, characteristic sound appropriate for the genre;

(B) refine and apply psychomotor and kinesthetic skills such as appropriate posture, breathing, text, diction, articulation, vibrato, bowings, fingerings, phrasing, independent manual dexterities, and percussion techniques;

(C) demonstrate rhythmic accuracy using appropriate tempo;

(D) demonstrate observance of key signatures and modalities;

(E) demonstrate correct intonation, appropriate phrasing, and appropriate dynamics; and

(F) create and notate or record original musical phrases at an appropriate level of difficulty.

(4) Creative expression. The student sight reads, individually and in groups, by singing or playing an instrument. The student reads from notation at an increasing level of difficulty in a variety of styles. The student is expected to:

(A) exhibit increasingly mature, characteristic sound appropriate for the genre while sight reading;

(B) demonstrate, refine, and apply psychomotor and kinesthetic skills such as appropriate posture, breathing, text, diction, articulation, vibrato, bowings, fingerings, phrasing, independent manual dexterities, and percussion techniques while sight reading;

(C) demonstrate correct articulation and rhythmic accuracy while sight reading using a counting system within an appropriate tempo;

(D) demonstrate observance of multiple key signatures and changing modalities while sight reading;

(E) demonstrate use of a melodic reading system such as solfège, numbers, letter names, note names, or scale degrees while sight reading;

(F) demonstrate application of dynamics and phrasing while sight reading; and

(G) demonstrate accurate intonation while sight reading using concepts such as vowel shapes, ensemble blend, and just intonation.

(5) Historical and cultural relevance. The student relates music to history, culture, and the world. The student is expected to:

(A) compare and contrast music by genre, style, culture, and historical period;

(B) define uses of music in societies and cultures;

(C) identify and explore the relationships between music and other academic disciplines;

(D) identify music-related vocations and avocations;

(E) identify and explore the impact of technologies, ethical issues, and economic factors on music, musicians, and performances; and

(F) identify and explore tools for college and career preparation such as personal performance recordings, social media applications, repertoire lists, auditions, and interview techniques.

(6) Critical evaluation and response. The student listens to, responds to, and evaluates music and musical performance in formal and informal settings. The student is expected to:

(A) exhibit informed concert etiquette as a performer and as an audience member during live and recorded performances in a variety of settings;

(B) design and apply criteria for making informed judgments regarding the quality and effectiveness of musical performances;

(C) develop processes for self-evaluation and select tools for personal artistic improvement; and

(D) evaluate musical performances by comparing them to exemplary models.

§117.312. *Music, Level III (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following music courses: Band III, Choir III, Orchestra III, Jazz Ensemble III, Jazz Improvisation III, Instrumental Ensemble III, Vocal Ensemble III, World Music Ensemble III, Applied Music III, Mariachi III, Piano III, Guitar III, and Harp III (one credit per course). The prerequisite for all Music, Level III music courses is one credit of Music, Level II in the corresponding discipline.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking skills of music to sing, play, read, write, and/or move. By experiencing musical periods and styles, students will understand the relevance of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered. Through critical listening, students analyze, evaluate, and respond to music, developing criteria for making critical judgments and informed choices.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: music literacy. The student describes and analyzes music and musical sounds. The student develops organizational skills, engages in problem solving, and explores the properties and capabilities of various musical idioms. The student is expected to:

(A) evaluate exemplary musical examples using technology and available live performances;

(B) explore musical textures such as monophony, homophony, and polyphony while using a melodic reading system;

(C) compare and contrast concepts of music notation, intervals, and chord structure using appropriate terminology;

(D) compare and contrast concepts of rhythm and meter using appropriate terminology and counting system;

(E) compare and contrast musical forms such as song, binary, ternary, rondo, and sonata-allegro selected for performance and listening;

(F) compare and contrast concepts of balance and blend using appropriate terminology;

(G) compare and contrast musical styles and genres such as cantata, opera, zydeco, motet, hip-hop, symphony, anthem, march, beats, musical theatre, gospel jazz, and spirituals;

(H) compare and contrast concepts of music such as rhythm, meter, melody, harmony, texture, key, expression markings, dynamics, and timbre using literature selected for performance; and

(I) apply health and wellness concepts related to music practice such as body mechanics, hearing protection, vocal health, hydration, and appropriate hygienic practices.

(2) Foundations: music literacy. The student reads and notates music using an appropriate notation system. The student is expected to:

(A) read and notate music that incorporates melody and rhythm; and

(B) interpret music symbols and expressive terms referring to style, dynamics, tempo, and articulation.

(3) Creative expression. The student demonstrates musical artistry by singing or playing an instrument individually and in groups. The student performs music in a variety of genres at an increasing level of difficulty. The student performs from notation and by memory as appropriate. The student develops cognitive, affective, and psychomotor skills. The student is expected to:

(A) demonstrate mature, characteristic sound appropriate for the genre;

(B) refine and apply psychomotor and kinesthetic skills such as appropriate posture, breathing, text, diction, articulation, vibrato, bowings, fingerings, phrasing, independent manual dexterities, and percussion techniques;

(C) demonstrate rhythmic accuracy using appropriate tempo;

(D) demonstrate observance of key signatures and modalities;

(E) demonstrate correct intonation, appropriate phrasing, and appropriate dynamics; and

(F) create and notate or record original musical phrases at an appropriate level of difficulty.

(4) Creative expression. The student sight reads, individually and in groups, by singing or playing an instrument. The student reads from notation at an increasing level of difficulty in a variety of styles. The student is expected to:

(A) exhibit mature, characteristic sound appropriate for the genre while sight reading;

(B) refine and apply psychomotor and kinesthetic skills such as appropriate posture, breathing, text, diction, articulation, vibrato, bowings, fingerings, phrasing, independent manual dexterities, and percussion techniques while sight reading;

(C) demonstrate correct articulation and rhythmic accuracy while sight reading using a counting system within an appropriate tempo;

(D) demonstrate observance of multiple key signatures and changing modalities while sight reading;

(E) demonstrate use of a melodic reading system such as solfège, numbers, letter names, note names, or scale degrees while sight reading;

(F) demonstrate application of dynamics and phrasing while sight reading; and

(G) demonstrate accurate intonation while sight reading using concepts such as vowel shapes, ensemble blend, and just intonation.

(5) Historical and cultural relevance. The student relates music to history, culture, and the world. The student is expected to:

(A) classify representative examples of music by genre, style, culture, and historical period;

(B) explore the relevance of music to societies and cultures;

(C) define the relationships between music content and concepts and other academic disciplines;

(D) analyze music-related career options;

(E) analyze and evaluate the impact of technologies, ethical issues, and economic factors on music, performers, and performances; and

(F) generate tools for college and career preparation such as electronic portfolios, personal resource lists, performance recordings, social media applications, repertoire lists, auditions, and interview techniques.

(6) Critical evaluation and response. The student responds to and evaluates written music and musical performance in formal and informal settings. The student is expected to:

(A) exhibit informed concert etiquette as a performer and an audience member during live and recorded performances in a variety of settings;

(B) create and apply specific criteria for evaluating performances of various musical styles;

(C) create and apply specific criteria for offering constructive feedback using a variety of music performances;

(D) develop processes for self-evaluation and select tools for personal artistic improvement such as critical listening and individual and group performance recordings; and

(E) evaluate musical performances by comparing them to similar or exemplary models and offering constructive suggestions for improvement.

§117.313. *Music, Level IV (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following music courses: Band IV, Choir IV, Orchestra IV, Jazz Ensemble IV, Jazz Improvisation IV, Instrumental Ensemble IV, Vocal Ensemble IV, World Music Ensemble IV, Applied Music IV, Mariachi IV, Piano IV, Guitar IV, and Harp IV (one credit per course). The prerequisite for all Music, Level IV courses is one credit of Music, Level III in the corresponding discipline.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking

skills of music to sing, play, read, write, and/or move. By experiencing musical periods and styles, students will understand the relevance of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered. Through critical listening, students analyze, evaluate, and respond to music, developing criteria for making critical judgments and informed choices.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: music literacy. The student describes and analyzes music and musical sounds. The student develops organizational skills, engages in problem solving, and explores the properties and capabilities of various musical idioms. The student is expected to:

(A) evaluate exemplary musical examples using technology and available live performances;

(B) analyze advanced musical textures while using a melodic reading system;

(C) analyze concepts of music notation, intervals, and chord structure using appropriate terminology;

(D) analyze concepts of rhythm and meter using appropriate terminology and counting system;

(E) analyze musical forms in music selected for performance and listening;

(F) analyze concepts of balance and blend using appropriate terminology;

(G) analyze musical styles and genres such as cantata, opera, zydeco, motet, hip-hop, symphony, anthem, march, beats, musical theatre, gospel jazz, and spirituals;

(H) analyze concepts of music such as rhythm, meter, melody, harmony, texture, key, expression markings, dynamics, and timbre using literature selected for performance; and

(I) analyze and apply health and wellness concepts related to music practice such as body mechanics, repetitive motion injury prevention, first-aid training, hearing protection, vocal health, hydration, and appropriate hygienic practices.

(2) Foundations: music literacy. The student reads and notates music using an appropriate notation system. The student is expected to:

(A) read and notate music that incorporates advanced melodies and rhythms; and

(B) interpret music symbols and expressive terms.

(3) Creative expression. The student demonstrates musical artistry by singing or playing an instrument individually and in groups. The student performs music in a variety of genres at an increasing level of difficulty. The student performs from notation and by memory as appropriate. The student develops cognitive, affective, and psychomotor skills. The student is expected to:

(A) demonstrate mature, characteristic sound appropriate for the genre;

(B) analyze and apply psychomotor and kinesthetic skills such as appropriate posture, breathing, text, diction, articulation, vibrato, bowings, fingerings, phrasing, independent manual dexterities, and percussion techniques;

(C) demonstrate rhythmic accuracy using complex patterns at an appropriate tempo;

(D) demonstrate observance of key signatures and modalities;

(E) demonstrate correct intonation, appropriate phrasing, and appropriate dynamics; and

(F) create and notate or record original musical phrases at an increasing level of difficulty.

(4) Creative expression. The student sight reads, individually and in groups, by singing or playing an instrument. The student reads from notation at an increasing level of difficulty in a variety of styles. The student is expected to:

(A) exhibit mature, characteristic sound appropriate for the genre while sight reading;

(B) refine and apply psychomotor and kinesthetic skills such as appropriate posture, breathing, text, diction, articulation, vibrato, bowings, fingerings, phrasing, independent manual dexterities, and percussion techniques while sight reading;

(C) demonstrate correct articulation and rhythmic accuracy while sight reading using a counting system within an appropriate tempo;

(D) demonstrate observance of multiple key signatures and changing modalities while sight reading;

(E) demonstrate use of a melodic reading system such as solfège, numbers, letter names, note names, or scale degrees while sight reading;

(F) demonstrate application of dynamics and phrasing while sight reading; and

(G) demonstrate accurate intonation while sight reading using concepts such as vowel shapes, ensemble blend, and just intonation.

(5) Historical cultural relevance. The student relates music to history, culture, and the world. The student is expected to:

(A) discriminate representative examples of music by genre, style, culture, and historical period;

(B) evaluate the relevance of music to societies and cultures;

(C) define the relationships between music content and concepts and other academic disciplines;

(D) explain a variety of music and music-related career options;

(E) analyze and evaluate the impact of technologies, ethical issues, and economic factors on music, performers, and performances; and

(F) generate tools for college and career preparation such as curricula vitae, electronic portfolios, personal resource lists, performance recordings, social media applications, repertoire lists, and audition and interview techniques.

(6) Critical evaluation and response. The student responds to and evaluates written music and musical performance in formal and informal settings. The student is expected to:

(A) exhibit informed concert etiquette as a performer and an audience member during live and recorded performances in a variety of settings;

(B) create and apply specific criteria for evaluating performances of various musical styles;

(C) create and apply specific criteria for offering constructive feedback using a variety of musical performances;

(D) develop processes for self-evaluation and select tools for personal artistic improvement; and

(E) evaluate musical performances and compositions by comparing them to similar or exemplary models and offering constructive suggestions for improvement.

§117.314. *Music Studies (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following music courses: Music Theory I-II; Music Appreciation I-II; Music Business I-II; Music Composition I-II; Music Production I-II; Music and Media Communications I-II; College Board Advanced Placement (AP) Music Theory; International Baccalaureate (IB) Music, Standard Level (SL); and IB Music, Higher Level (HL). There are no prerequisites for Music Study Level I courses; however, the prerequisite for IB Music, SL and IB Music, HL is one credit of any Music, Level II course. Students may take Music Studies with different course content for a maximum of three credits.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: music literacy; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing the knowledge and skills students are expected to acquire. The foundation of music literacy is fostered through reading, writing, reproducing, and creating music, thus developing a student's intellect. Through creative expression, students apply their music literacy and the critical-thinking skills of music to read, write, create, and/or move. By experiencing musical periods and styles, students will understand the relevance of music to history, culture, and the world, including the relationship of music to other academic disciplines and the vocational possibilities offered. Through critical listening, students analyze, evaluate, and respond to music, developing criteria for making critical judgments and informed choices.

(3) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: music literacy. The student describes and analyzes music and musical sounds. The student develops organizational skills, engages in problem solving, and explores the properties and capabilities of various musical idioms. The student is expected to:

(A) experience and explore exemplary musical examples using technology and available live performances;

(B) identify and describe melodic and harmonic parts when listening to and performing music using a melodic reading system such as solfège, numbers, letter names, note names, or scale degrees;

(C) define concepts of music notation, intervals, and chord structure using appropriate terminology;

(D) define concepts of rhythm and meter using appropriate terminology and counting system;

(E) explore elements of music such as rhythm, meter, melody, harmony, key, expression markings, texture, form, dynamics, and timbre through literature selected for performance; and

(F) apply health and wellness concepts related to music practice such as body mechanics, hearing protection, vocal health, hydration, and appropriate hygienic practices.

(2) Foundations: music literacy. The student reads and notates music using an appropriate notation system. The student is expected to:

(A) read notation systems or manipulate sounds as appropriate to the course of study;

(B) read and notate or record and produce music that incorporates rhythmic patterns in simple, compound, and asymmetric meters as appropriate;

(C) interpret music symbols and expressive terms referring to concepts such as dynamics, tempo, and articulation as appropriate;

(D) demonstrate cognitive skills, including observance of key signature and modalities, while studying or producing music at an appropriate level of difficulty; and

(E) demonstrate music-making skills such as appropriate use of technology in recording, notating, editing, manipulating, arranging, Standard Motion Picture Time Encryption (SMPT), and emergent technologies.

(3) Creative expression. The student, individually and in groups, makes music of an appropriate level of difficulty in a variety of genres from notation, recording, or by memory as appropriate. The student is expected to:

(A) demonstrate, create, or apply characteristic sounds appropriate for the genre;

(B) create, examine, or perform a repertoire of music representing a variety of styles, including those from diverse cultures;

(C) demonstrate understanding of correct articulation and rhythmic accuracy;

(D) demonstrate understanding of correct dynamics and phrasing;

(E) demonstrate understanding of correct intonation; and

(F) exhibit and explain appropriate performance techniques for formal and informal concerts or recording sessions.

(4) Creative expression. The student creates original music within specified guidelines. The student is expected to:

(A) create original musical phrases; and

(B) notate or record original musical phrases.

(5) Historical and cultural relevance. The student relates music to history, culture, and the world. The student is expected to:

(A) compare and contrast music by genre, style, culture, and historical period;

(B) identify music-related vocations and avocations;

(C) identify and describe the uses of music in societies and cultures;

(D) identify and explore the relationship between music and other academic disciplines;

(E) identify and explore the impact of technologies, ethical issues, and economic factors on music, musicians, and performances; and

(F) identify and explore tools for college and career preparation such as social media applications, repertoire lists, and audition and interview techniques.

(6) Critical evaluation and response. The student listens to, responds to, and evaluates music and musical performance in formal and informal settings. The student is expected to:

(A) practice informed concert etiquette as a performer and an audience member during live and recorded performances in a variety of settings;

(B) design and apply criteria for making informed judgments regarding the quality and effectiveness of musical performances;

(C) develop processes for self-evaluation and select tools for personal artistic improvement such as critical listening and individual and group performance recordings; and

(D) evaluate musical performances by comparing them to exemplary models.

§117.315. *Theatre, Level I, Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following theatre courses: Theatre Arts I, Theatre and Media Communications I (one credit per course), and Theatre Production I (one-half to one credit).

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and

the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Through diverse forms of storytelling and production, students will exercise and develop creativity, intellectual curiosity, critical thinking, problem solving, and collaborative skills. Participation and evaluation in a variety of theatrical experiences will afford students opportunities to develop an understanding of self and their role in the world.

(4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

(A) understand the value and purpose of using listening, observation, concentration, cooperation, and emotional and sensory recall;

(B) develop and practice theatre preparation and warm-up techniques;

(C) develop and practice stage movement techniques such as mime, pantomime, stage combat, Laban, Lecoq, or Viewpoints consistently to express thoughts, feelings, and actions non-verbally;

(D) develop and practice effective voice and diction to express thoughts and feelings;

(E) analyze characters by describing attributes such as physical, intellectual, emotional, and social dimensions through reading scripts of published plays;

(F) demonstrate a working knowledge of the language of theatre such as stage terminology, elements of theatre, or theatrical conventions;

(G) analyze and describe the interdependence of all theatrical elements;

(H) define the roles of and appreciate the collaborative relationships between all artistic partners such as playwrights, composers, directors, actors, designers, technicians, and audience;

(I) identify and practice memorization skills;

(J) identify the principles of improvisation; and

(K) identify and recognize the importance of safe theatre practices.

(2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:

(A) demonstrate safe use of the voice and body;

(B) define creativity as it relates to personal expression;

(C) employ effective voice and diction to express thoughts and feelings;

(D) use physical, intellectual, emotional, and social awareness to portray believable characters and convey a story when applying acting concepts, skills, and techniques;

(E) employ physical techniques consistently to express thoughts, feelings, and actions non-verbally; and

(F) create, write, and refine original monologues, improvisations, scenes, or vignettes that reflect dramatic structure to convey meaning to the audience through live performance or media forms.

(3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:

(A) develop and practice technical theatre skills;

(B) apply technical knowledge and skills safely to create or operate theatrical elements such as scenery, properties, lighting, sound, costumes, makeup, current technology, or publicity;

(C) perform a role such as actor, director, designer, technician, or editor in production decision making and collaborate with others in a production role to tell a story through live theatre or media performance; and

(D) demonstrate responsibility, artistic discipline, and creative problem solving by concentrating in one or more areas of theatre production such as acting, technical theatre, or theatre management.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

(A) portray theatre as a reflection of life in particular times, places, and cultures;

(B) relate historical and cultural influences on theatre;

(C) identify the impact of live theatre, film, television, and electronic media on contemporary society;

(D) appreciate the cultural heritages of world drama and theatre and identify key figures, works, and trends in dramatic literature;

(E) appreciate the multicultural heritage of United States drama and theatre and identify key figures, works, and trends in dramatic literature; and

(F) identify and appreciate the innovations and contributions of the United States to the performing arts such as theatre, melodrama, musical theatre, radio, film, television, technology, or electronic media.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) analyze and apply appropriate behavior at various types of live performances;

(B) recognize theatre as an art form and evaluate self as a creative being;

(C) offer and receive constructive criticism of peer performances;

(D) evaluate live theatre in written and oral form with precise and specific observations using appropriate evaluative theatre vocabulary such as intent, structure, effectiveness, and value;

(E) evaluate film, television, or other media in written or oral form with precise and specific observations using appropriate evaluative theatre vocabulary such as intent, structure, effectiveness, and value;

(F) explore career and avocational opportunities such as theatre education, arts administration, performance, design, management, and playwriting in theatre or media and evaluate the training, skills, self-discipline, and artistic discipline needed to pursue such opportunities;

(G) use technology such as electronic portfolios, research projects, and journals to document and present information in a clear and coherent manner; and

(H) connect theatre skills and experiences to higher education and careers outside of the theatre.

§117.316. *Theatre, Level II, Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following theatre courses: Theatre Arts II, Theatre and Media Communications II (one credit per course), and Theatre Production II (one-half to one credit). The prerequisite for each Theatre, Level II course is one credit of Theatre, Level I in the corresponding discipline.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Through diverse forms of storytelling and production, students will exercise and develop creativity, intellectual curiosity, critical thinking, problem solving, and collaborative skills. Participation and evaluation in a variety of theatrical experiences will afford students opportunities to develop an understanding of self and their role in the world.

(4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

- (A) develop and practice theatre warm-up techniques;
 - (B) develop and practice stage movement techniques consistently to express thoughts, feelings, and actions non-verbally;
 - (C) demonstrate effective voice and diction;
 - (D) analyze dramatic structure and genre;
 - (E) identify examples of theatrical conventions in theatre, film, television, and electronic media;
 - (F) relate the interdependence of all theatrical elements;
- and
- (G) develop and practice memorization skills.

(2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:

- (A) model safe, appropriate techniques to allow for physical, vocal, and emotional expression;
- (B) explore creativity as it relates to self and ensemble;
- (C) demonstrate effective voice and diction to express thoughts and feelings;
- (D) apply physical, intellectual, emotional, and social interactions to portray believable characters and convey a story when applying acting concepts, skills, and techniques;
- (E) develop physical techniques consistently to express thoughts, feelings, and actions non-verbally; and
- (F) create, write, devise, and refine original monologues, improvisations, scenes, or vignettes to convey meaning to the audience through live performance or media forms.

(3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:

- (A) develop and practice safe and effective stagecraft skills;
- (B) read and analyze cultural, social, and political aspects of a script to determine technical elements;
- (C) analyze characters, themes, duties, and elements of a script to determine artistic roles and technical assignments;
- (D) perform a role such as actor, director, designer, technician, or editor in production decision making and collaborate with others to tell a story through live theatre or media performance; and
- (E) develop responsibility, artistic discipline, and creative problem solving by concentrating in one or more areas of theatre production such as acting, technical theatre, or theatre management.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

- (A) analyze historical and cultural influences on theatre;
- (B) analyze ways in which theatre, television, and film play a role in our daily lives and influence our values and behaviors;

(C) analyze and evaluate the impact of live theatre, film, television, and electronic media in contemporary society;

(D) research the influences of world drama and theatre and identify key figures, works, and trends in dramatic literature;

(E) research the influences of the multicultural heritage of drama and theatre in the United States and identify key figures, works, and trends in dramatic literature; and

(F) identify and appreciate the innovations and contributions of the United States to the performing arts such as theatre, melodrama, musical theatre, radio, film, television, technology, or electronic media.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) evaluate and apply appropriate audience etiquette at various types of performances;

(B) analyze theatre as an art form and evaluate self as a creative being;

(C) offer and receive constructive criticism of peer performances;

(D) evaluate the treatment of artistic elements such as theme, character, setting, and action in theatre, musical theatre, dance, art, music, or other media and integrate more than one art form in informal presentations;

(E) examine career and avocational opportunities such as theatre education, arts administration, performance, design, management, and playwriting in theatre or other media and evaluate the training, skills, self-discipline, and artistic discipline needed to pursue such opportunities;

(F) use technology such as portfolios, research projects, and journals to document and present information in a clear and coherent manner; and

(G) connect theatre skills and experiences to higher education and careers outside of the theatre.

§117.317. *Theatre, Level III, Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following theatre courses: Theatre III (one credit), Theatre Production III (one-half to one credit), Playwriting I, Directing I, International Baccalaureate (IB) Theatre, Standard Level (SL), and IB Theatre, Higher Level (HL) (one credit per course). The prerequisite for IB Theatre SL and IB Theatre HL is one credit of any Theatre, Level II course. The prerequisite for all other Theatre, Level III courses is one credit of Theatre, Level II in the corresponding discipline.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Through diverse forms of storytelling and production, students will exercise and develop creativity, intellectual curiosity, critical thinking, problem solving, and collaborative skills. Participation and evaluation in a variety of theatrical experiences will afford students opportunities to develop an understanding of self and their role in the world.

(4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

- (A) apply theatre preparation and warm-up techniques effectively;
- (B) experiment with stage movement;
- (C) distinguish the proper techniques such as diction, inflection, and projection in the use of voice;
- (D) analyze and evaluate dramatic structure and genre;
- (E) distinguish between the theatrical conventions of theatre, film, television, and other media;
- (F) evaluate the interdependence of all theatrical elements; and
- (G) develop and practice memorization skills.

(2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:

- (A) employ safe, appropriate techniques to allow for physical, vocal, and emotional expression;
- (B) analyze creativity as it relates to self and ensemble and its effect on audience;
- (C) analyze characters from various genres and styles, describing physical, intellectual, emotional, and social dimensions;
- (D) experiment with improvisation and scripted scenes of various styles to portray believable characters;
- (E) write dialogue that reveals character motivation, advances plot, provides exposition, and reveals theme; and

(F) integrate two or more art or media forms in a performance.

(3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:

- (A) experiment with technical elements of theatre safely and effectively in improvisation or scripted scenes or plays;
- (B) analyze and evaluate dramatic texts as a basis for technical discussions, considering themes, settings, times, literary styles, genres, and characters;
- (C) cast and direct duet scenes;
- (D) perform a role such as actor, director, designer, technician, or editor in production decision making and collaborate with others to tell a story through live theatre or media performance; and
- (E) perform the role of actor, director, or technician, demonstrating responsibility, artistic discipline, and creative problem solving.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

- (A) evaluate historical and cultural influences on theatre;
- (B) analyze ways in which theatre, television, and film play a role in our daily lives and influence our values and behaviors;
- (C) employ and evaluate the impact of live theatre, film, television, and other media in contemporary society;
- (D) research the influences of world drama and theatre and identify key figures, works, and trends in dramatic literature;
- (E) research the influences of the multicultural heritage of drama and theatre in the United States and identify key figures, works, and trends in dramatic literature; and
- (F) identify and appreciate the innovations and contributions of the United States to the performing arts such as theatre, melodrama, musical theatre, radio, film, television, technology, or electronic media.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

- (A) compare behavior at various types of performances and practice appropriate audience etiquette;
- (B) recognize theatre as an art form and evaluate self as a creative being;
- (C) apply the concepts of evaluation to performances and evaluate theatre, film, television, and other media with depth and complexity using appropriate vocabulary;
- (D) compare communication methods of theatre with those of art, music, dance, and other media;
- (E) make judgments about selected career and avocational opportunities such as theatre education, arts administration, performance, design, management, and playwriting in theatre, film, television, and other media and analyze the training, skills, self-discipline, and artistic discipline needed to pursue such opportunities;

(F) use technology such as portfolios, research projects, and journals to document and present information in a clear and coherent manner;

(G) relate theatre skills and experiences to higher education and careers outside of the theatre; and

(H) create a personal resume or portfolio of theatrical experience.

§117.318. *Theatre, Level IV, Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following theatre courses: Theatre Arts IV (one credit), Theatre Production IV (one-half to one credit), Playwriting II, Directing II, International Baccalaureate (IB) Theatre, Standard Level (SL), and IB Theatre, Higher Level (HL) (one credit per course). The prerequisite for IB Theatre SL and IB Theatre HL is one credit of any Theatre, Level III course. The prerequisite for all other Theatre, Level IV courses is one credit of Theatre, Level III in the corresponding discipline.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Through diverse forms of storytelling and production, students will exercise and develop creativity, intellectual curiosity, critical thinking, problem solving, and collaborative skills. Participation and evaluation in a variety of theatrical experiences will afford students opportunities to develop an understanding of self and their role in the world.

(4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

(A) create and demonstrate theatre preparation and warm-up techniques;

(B) devise and model stage movement;

(C) model proper techniques such as diction, inflection, and projection in the use of effective voice;

(D) compare the structure of theatre to that of film, television, and other media;

(E) evaluate theatrical conventions of various cultural and historical periods;

(F) evaluate the interdependence of all theatrical elements; and

(G) develop and model memorization skills.

(2) Creative expression: performance. The student interprets characters using the voice and body expressively and creates dramatizations. The student is expected to:

(A) model safe, appropriate techniques to allow for physical, vocal, and emotional expression;

(B) demonstrate creativity as it relates to self and ensemble and its effect on audience;

(C) analyze and interpret characters from various genres and styles, describing physical, intellectual, emotional, and social dimensions;

(D) interpret scripted scenes of various styles to portray believable characters; and

(E) create individually or devise collaboratively imaginative scripts and scenarios.

(3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:

(A) experiment with the technical elements of theatre safely and effectively in improvisation or scripted scenes or plays;

(B) analyze and evaluate dramatic texts and direct brief scenes;

(C) demonstrate understanding of a director's responsibility to the author's intent, script, actors, designers, technicians, and audience;

(D) analyze production plans that include research, rehearsal plans, technical designs, and blocking;

(E) demonstrate leadership by casting and directing a long scene or a short play, producing a unified theatrical production; and

(F) apply expertise in one or more areas of theatre production, demonstrating responsibility, artistic discipline, and creative problem solving.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

(A) evaluate historical and cultural influences on theatre;

(B) analyze ways in which theatre, television, and film play a role in our daily lives and influence our values and behaviors;

(C) employ and evaluate the impact of live theatre, film, television, and other media in contemporary society;

(D) research the influences of world drama and theatre and identify key figures, works, and trends in dramatic literature;

(E) research the influences of the multicultural heritage of drama and theatre in the United States and identify key figures, works, and trends in dramatic literature; and

(F) identify and appreciate the innovations and contributions of the United States to the performing arts such as theatre, melodrama, musical theatre, radio, film, television, technology or electronic media.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) evaluate and practice appropriate audience behavior at various types of performances;

(B) defend theatre as an art form and value self as a creative being;

(C) apply evaluation concepts to performances, and compare and contrast literary and dramatic criticism of theatre, film, television, or other media;

(D) compare and contrast the elements and communication methods of theatre, film, music, art, dance, or other media in a specific culture or historical period;

(E) evaluate selected career and avocational opportunities such as theatre education, arts administration, performance, design, management, playwriting, and dramatic criticism in theatre, film, television, and other media and analyze the training, skills, self-discipline, and artistic discipline needed to pursue such opportunities;

(F) employ technology such as portfolios, research projects, and journals to communicate and present findings in a clear and coherent manner;

(G) appraise personal theatre skills and experiences to opportunities in higher education and careers outside of the theatre; and

(H) create a personal resume or portfolio of theatrical experience.

§117.319. *Musical Theatre, Level I (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing Musical Theatre, Level I (one credit). Prerequisite suggested in two of the following disciplines: theatre, dance, or music or by audition.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Musical Theatre will expose students to a wide range of on-stage performance disciplines, including acting performance, vocal performance, and dance performance. The course will also provide an atmosphere in which students benefit from a teaching and learning experience in these performance disciplines of musical theatre. Students will receive comprehensive and rigorous instruction so that they may make informed choices about the craft, college, and the profession. The course will enhance and cultivate the creative gifts of each student while encouraging a sense of self-confidence. The course will enable students to study and perform the varied styles of musical theatre with special attention to the principles of stage movement, stage vocal technique, stage choreography, acting, characterization, and other aspects of a musical production.

(4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama, dance, music, and the conventions of musical theatre. The student is expected to:

(A) develop and practice theatrical, dance, and vocal music preparation and warm-up techniques;

(B) recognize stage movement, pantomime, and dance skills in various genres such as ballet, tap, jazz, ballroom, and Broadway;

(C) identify acting techniques in song, dance, and spoken dialogue;

(D) recognize the professional audition process;

(E) compare the dramatic structure of musical theatre to musical film and musical television productions;

(F) define and give examples of the language of musical theatre such as stage terminology, elements of musical theatre, or theatrical conventions; and

(G) describe the interdependence of all theatrical elements.

(2) Creative expression: performance. The student interprets characters through acting, singing, and dance using voice and body expressively and creates dramatizations called for in a musical script. The student is expected to:

(A) identify appropriate safety measures in vocalization, dance movement, and theatrical movement;

(B) define creativity as it relates to personal expression in musical theatre;

(C) recognize characterization in musical theatre and scripts of various genres and styles;

(D) identify proper voice usage and correct vocal production skills such as vocal placement, vocal phrasing, vocal tone production, and vocal consistency in a performance situation; and

(E) interpret lyrics for characterization, vocalization, and dance.

(3) Creative expression: production. The student applies design, directing, choreography, and musical theatre production concepts and skills. The student is expected to:

(A) recognize safe and effective use of technical elements of musical theatre;

(B) identify the responsibilities of the director, musical director, and choreographer to the composer and librettist's intent;

(C) recognize musical production plans such as rehearsal plans, technical designs, blocking, choreography, and solo and ensemble musical numbers; and

(D) perform a role and collaborate with others to tell a story through live musical theatre or media performance.

(4) Historical and cultural relevance. The student relates musical theatre to history, society, and culture. The student is expected to:

(A) study historical and cultural influences on musical theatre;

(B) identify the historical development of musical theatre as a uniquely American art form;

(C) identify historical and cultural developments in musical theatre;

(D) identify the contemporary development of musical theatre as an international art form such as new composers and their composition styles, multicultural influences, practices and principles of contemporary musical theatre, advances in the creation of contemporary or popular musical theatre, and impact of musical theatre on the world's economic and performing arts scene;

(E) appreciate musical theatre as a reflection of life in particular times, places, and cultures; and

(F) recognize the influences of musical theatre forms such as theatre, television, and film on past and present society.

(5) Critical evaluation and response. The student responds to and evaluates musical theatre performances. The student is expected to:

(A) analyze and apply appropriate audience behavior at various types of performances;

(B) recognize musical theatre as an art form and evaluate self as a creative being;

(C) offer and receive constructive criticism of peer performances;

(D) evaluate musical theatre in written and oral form with precise and specific observations on intent, structure, effectiveness, and value using appropriate evaluative theatre vocabulary;

(E) explore career and avocational opportunities in musical theatre, musical film, and musical television, justifying choice(s) and analyze the training, skills, self-discipline, and artistic discipline needed for success;

(F) connect musical theatre skills and experiences to higher education and careers outside of the theatre; and

(G) recognize the value of presenting information in a clear and coherent manner using technology in a resume or portfolio format.

§117.320. *Musical Theatre, Level II (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing Musical Theatre, Level II (one credit). A suggested prerequisite is Musical Theatre, Level I or by audition.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Musical Theatre will expose students to a wide range of on-stage performance disciplines, including acting performance, vocal performance, and dance performance. The course will also provide an atmosphere in which students benefit from a teaching and learning experience in these performance disciplines of musical theatre. Students will receive comprehensive and rigorous instruction so that they may make informed choices about the craft, college, and the profession. The course will enhance and cultivate the creative gifts of each student while encouraging a sense of self-confidence. The course will enable students to study and perform the varied styles of musical theatre with special attention to the principles of stage movement, stage vocal technique, stage choreography, acting, characterization, and other aspects of a musical production.

(4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama, dance, music, and the conventions of musical theatre. The student is expected to:

(A) develop and practice theatrical, dance, and vocal music preparation and warm-up techniques;

(B) develop stage movement, pantomime, and dance skills in various genres such as ballet, tap, jazz, ballroom, and Broadway;

(C) develop acting techniques in song, dance, and spoken dialogue;

(D) develop professional audition techniques such as musical selections, monologue performance, dance and movement, and the relationship between accompanist and performer;

(E) analyze the dramatic structure of musical theatre;

(F) employ the language of musical theatre such as stage terminology, elements of musical theatre, or theatrical conventions;

(G) analyze a character from a libretto, describing physical, intellectual, emotional, and social dimensions; and

(H) collaborate with all artistic partners such as playwrights, composers, directors, musical directors, choreographers, actors, designers, technicians, and audience.

(2) Creative expression: performance. The student interprets characters through acting, singing, and dance using voice and body expressively and creates dramatizations called for in a musical script. The student is expected to:

(A) apply appropriate safety measures in vocalization, dance movement, and theatrical movement;

(B) explore creativity as it relates to self and ensemble in musical theatre;

(C) analyze characterization in musical theatre styles;

(D) apply proper voice usage and correct vocal production skills such as vocal placement, vocal phrasing, vocal tone production, and vocal consistency in a performance situation;

(E) analyze lyrics for characterization, vocalization, and dance;

(F) create and sustain believable characters through characterization, vocalization, and dance; and

(G) compose material related to musical theatre such as monologues, scenes, lyrics, or choreography to convey meaning to the audience through live performance or other media forms.

(3) Creative expression: production. The student applies design, directing, choreography, and musical theatre production concepts and skills. The student is expected to:

(A) apply safe and effective use of technical elements of musical theatre;

(B) analyze the responsibilities of the director, musical director, and choreographer to the composer and librettist's intent;

(C) analyze musical production plans such as research, rehearsal plans, technical designs, blocking, choreography, and solo and ensemble musical numbers;

(D) demonstrate responsibility and creative problem solving in one or more areas of musical theatre production such as acting, technical theatre, and theatre management; and

(E) collaborate with others to perform a role such as actor, director, designer, technician, and editor in a musical theatre or musical media production.

(4) Historical and cultural relevance. The student relates musical theatre to history, society, and culture. The student is expected to:

(A) analyze historical and cultural influences on musical theatre;

(B) investigate the historical development of musical theatre as a uniquely American art form;

(C) investigate historical and cultural developments in musical theatre;

(D) investigate the contemporary development of musical theatre such as new composers and their composition styles, multicultural influences, practices and principles of contemporary musical theatre, advances in the creation of contemporary or popular musical theatre, and impact of musical theatre on the world's economic and performing arts scene as an international art form;

(E) depict musical theatre as a reflection of life in particular times, places, and cultures; and

(F) relate the influences of musical theatre forms such as theatre, television, and film on past and present society.

(5) Critical evaluation and response. The student responds to and evaluates musical theatre performances. The student is expected to:

(A) evaluate and practice appropriate audience behavior at various types of performances;

(B) describe musical theatre as an art form and evaluate self as a creative being;

(C) appraise self and peer performance with constructive criticism;

(D) evaluate musical theatre in written and oral form with precise and specific observations on intent, structure, effectiveness, and value using appropriate evaluative theatre vocabulary;

(E) evaluate the interdependence of all musical theatre elements such as dramatic spoken text, vocalized text, dance, costuming, set design, lighting, and sound;

(F) evaluate career and avocational opportunities in musical theatre, musical film, and musical television, justifying choice(s), and analyze the training, skills, self-discipline, and artistic discipline needed for success;

(G) relate musical theatre skills and experiences to higher education and careers outside of the theatre; and

(H) document and present information in a clear and coherent manner using technology in a resume or portfolio format.

§117.321. *Musical Theatre, Level III (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing Musical Theatre, Level III (one credit). A suggested prerequisite is Musical Theatre, Level II or by audition.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Musical Theatre will expose students to a wide range of on-stage performance disciplines, including acting performance, vocal performance, and dance performance. The course will also provide an atmosphere in which students benefit from a teaching and learning experience in these performance disciplines of musical theatre. Students will receive comprehensive and rigorous instruction so that they may make informed choices about the craft, college, and the profession. The course will enhance and cultivate the creative gifts of each student while encouraging a sense of self-confidence. The course will enable students to study and perform the varied styles of musical theatre with special attention to the principles of stage movement, stage vocal technique, stage choreography, acting, characterization, and other aspects of a musical production.

(4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama, dance, music, and the conventions of musical theatre. The student is expected to:

(A) create theatrical, dance, and vocal music preparation and warm-up techniques;

(B) develop stage movement, pantomime, and dance skills in various genres such as ballet, tap, jazz, ballroom, and Broadway;

(C) develop acting techniques in song, dance, and spoken dialogue;

(D) model professional audition techniques such as musical selection, monologue performance, dance and movement, and the relationship between accompanist and performer;

(E) analyze the dramatic structure of musical theatre;

(F) perform a character from a musical incorporating physical, intellectual, and emotional dimensions;

(G) collaborate effectively with all artistic partners in a musical theatre production; and

(H) employ the language of musical theatre such as stage terminology, elements of musical theatre, or theatrical conventions.

(2) Creative expression: performance. The student interprets characters through acting, singing, and dance using voice and body expressively and creates dramatizations called for in a musical script. The student is expected to:

(A) apply appropriate safety measures in vocalization, dance movement, and theatrical movement;

(B) appraise creativity as it relates to self and ensemble in musical theatre;

(C) create and sustain believable characters through acting, singing, and dancing;

(D) model proper voice usage and correct vocal production skills such as vocal placement, vocal phrasing, vocal tone production, and vocal consistency in a performance situation;

(E) analyze lyrics of a song as a monologue, dialogue, or ensemble scene for interpretation, characterization, vocalization, and dance; and

(F) collaborate to produce material related to musical theatre such as monologues, scenes, lyrics, or choreography to convey meaning to the audience through live performance or other media forms.

(3) Creative expression: production. The student applies design, directing, choreography, and musical theatre production concepts and skills. The student is expected to:

(A) model safe and effective use of technical elements of musical theatre;

(B) create musical production plans such as rehearsal plans, technical designs, blocking, choreography, and solo and ensemble musical numbers;

(C) demonstrate responsibility and creative problem solving as a leader in one or more areas of musical theatre or musical media production such as actor, director, choreographer, and musical director; and

(D) collaborate with others to perform a role such as actor, director, choreographer, designer, technician, and editor in a musical theatre or musical media production.

(4) Historical and cultural relevance. The student relates musical theatre to history, society, and culture. The student is expected to:

(A) articulate historical and cultural influences and developments on musical theatre;

(B) examine the historical development of musical theatre as a uniquely American art form;

(C) experiment with contemporary forms of musical theatre such as new composers and their composition styles, multicultural styles, practices and principles of contemporary musical theatre, and popular musical theatre;

(D) defend musical theatre as a reflection of life in particular times, places, and cultures; and

(E) articulate the influences of musical theatre forms such as theatre, television, and film on past and present society.

(5) Critical evaluation and response. The student responds to and evaluates musical theatre performances. The student is expected to:

(A) model appropriate audience behavior at various types of performances;

(B) defend musical theatre as a creative art form and evaluate self as a creative being;

(C) evaluate the interdependence of all musical theatre elements such as dramatic spoken text, vocalized text, dance, costuming, set design, lighting, and sound;

(D) evaluate self and peer performance using constructive criticism;

(E) discuss musical theatre, musical film, or other musical media using precise musical theatre vocabulary;

(F) experiment with a career opportunity in musical theatre, musical film, or other musical media and analyze the training, skills, self-discipline, and artistic discipline needed for personal success;

(G) relate musical theatre skills and experiences to higher education and careers outside of the theatre; and

(H) document and present information in a clear and coherent manner using technology in a resume or portfolio format.

§117.322. *Musical Theatre, Level IV (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing Musical Theatre, Level IV (one credit). A suggested prerequisite is Musical Theatre, Level III or by audition.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the

critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Musical Theatre will expose students to a wide range of on-stage performance disciplines, including acting performance, vocal performance, and dance performance. The course will also provide an atmosphere in which students benefit from a teaching and learning experience in these performance disciplines of musical theatre. Students will receive comprehensive and rigorous instruction so that they may make informed choices about the craft, college, and the profession. The course will enhance and cultivate the creative gifts of each student while encouraging a sense of self-confidence. The course will enable students to study and perform the varied styles of musical theatre with special attention to the principles of stage movement, stage vocal technique, stage choreography, acting, characterization, and other aspects of a musical production.

(4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama, dance, music, and the conventions of musical theatre. The student is expected to:

(A) create and lead theatrical, dance, and vocal music preparation and warm-up techniques;

(B) arrange stage movement in a musical theatre performance;

(C) choreograph various dance genres such as ballet, tap, jazz, ballroom, and Broadway in a musical theatre performance;

(D) develop effective use of voice and diction in spoken dialogue to effectively express thoughts, feelings, and actions;

(E) develop appropriate singing technique in vocalized solo and ensemble repertoire to effectively express thoughts, feelings, and actions;

(F) model professional audition techniques such as musical selection, monologue performance, dance and movement, and the relationship between accompanist and performer;

(G) perform a multi-dimensional character from a musical incorporating singing, dancing, and acting; and

(H) collaborate effectively with all artistic partners in a musical theatre production.

(2) Creative expression: performance. The student interprets characters through acting, singing, and dance using voice and body expressively and creates dramatizations called for in a musical script. The student is expected to:

(A) model appropriate safety measures in vocalization, dance movement, and theatrical movement;

(B) defend creativity as it relates to self and ensemble in musical theatre;

(C) analyze characterization in musical theatre styles;

(D) model proper voice usage and correct vocal production skills such as vocal placement, vocal phrasing, vocal tone production, and vocal consistency in a performance situation;

(E) analyze lyrics of a song as a monologue, dialogue, or ensemble scene for interpretation, characterization, and physicalization;

(F) create and sustain believable characters through acting, singing, and dancing; and

(G) collaborate to produce material related to musical theatre such as monologues, scenes, lyrics, or choreography to convey meaning to the audience through live performance or other media forms.

(3) Creative expression: production. The student applies design, directing, choreography, and musical theatre production concepts and skills. The student is expected to:

(A) model safe and effective use of technical elements of musical theatre;

(B) create musical production plans such as research, rehearsal plans, technical designs, blocking, choreography, and solo and ensemble musical numbers; and

(C) cast and direct a musical theatre or musical media production.

(4) Historical and cultural relevance. The student relates musical theatre to history, society, and culture. The student is expected to:

(A) conduct concentrated studies on historical and cultural influences on and developments in musical theatre;

(B) justify musical theatre as an original American art form;

(C) depict musical theatre as a reflection of life in particular times, places, and cultures; and

(D) defend the influences of musical theatre forms such as theatre, television, and film on past and present society.

(5) Critical evaluation and response. The student responds to and evaluates musical theatre performances. The student is expected to:

(A) evaluate and practice appropriate audience behavior at various types of performances;

(B) defend musical theatre as a creative art form;

(C) compare the nature of musical theatre elements to other musical media;

(D) appraise self and peer performance using constructive criticism;

(E) evaluate musical theatre, musical film, or other musical media using precise musical theatre vocabulary;

(F) experiment with a career opportunity in musical theatre, musical film, or other musical media and analyze the training, skills, self-discipline, and artistic discipline needed for personal success;

(G) relate musical theatre skills and experiences to higher education and careers outside of the theatre; and

(H) document and present information in a clear and coherent manner using technology to build a resume or portfolio.

§117.323. *Technical Theatre, Level I (One Credit), Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing Technical Theatre, Level I.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Through a variety of experiences with diverse forms of storytelling and production, Technical Theatre I will afford students the opportunity to develop and exercise creativity, intellectual curiosity, critical thinking, problem solving, and collaborative skills. Participation and evaluation in a variety of theatrical experiences will afford students opportunities to develop an understanding of self and their role in the world.

(4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

(A) define standard vocabulary in costumes, lights, makeup, theatre management, properties, scenery, and sound;

(B) recognize the technical elements of theatre such as types of stages, stage areas, fly systems, curtains, front of house, dressing rooms, and storage;

(C) recognize theatre systems such as the production calendar, tech rehearsals, and production staff roles;

(D) recognize safe theatre practices such as personal safety, fire safety, tool safety, shop safety, and handling emergencies in the theatre; and

(E) read scripts and apply basic script analysis techniques to technical theatre elements.

(2) Creative expression: performance. The student develops and demonstrates technical theatre skills through the pre-production processes from concept (script or original idea) to performance. The student is expected to:

(A) recognize the function of technical elements in various theatrical styles and genres;

(B) recognize the design process of analysis, research, incubation/selection, implementation, and evaluation to a theatrical product such as a rendering, model, and sketch;

(C) identify the production team such as designers, director, crew members, playwright, and stage manager and their duties;

(D) articulate the importance of collaboration and leadership skills;

(E) define creativity as it relates to personal expression in technical theatre and design;

(F) recognize communication methods between directors and designers such as prompt book, costume plot, light plot, makeup, theatre management, property list, design renderings, and models; and

(G) apply the basic skills of measurement in construction.

(3) Creative expression: production. The student applies design, directing, and theatre production concepts and skills. The student is expected to:

(A) identify the safe use of tools and materials in scenery and property construction;

(B) identify the safe use of lighting equipment such as instruments, dimmers, and controllers;

(C) identify the safe use of the basic techniques of costume construction and make-up application;

(D) identify the safe use of sound equipment; and

(E) recognize the roles of theatre management such as house management and stage management.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

(A) conduct research to establish historical and cultural accuracy in theatrical design;

(B) identify the impact of live theatre, film, television, and electronic media on contemporary society;

(C) understand the cultural heritage of world drama and theatre and identify key figures, works, and trends in dramatic literature; and

(D) identify and understand the innovations and contributions of the United States to the performing arts such as theatre, melodrama, musical theatre, radio, film, television, technology, or electronic media.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) understand the use of resumes and portfolios in technical theatre;

(B) recognize appropriate behavior at various types of live performances;

(C) recognize the design and technical elements of theatre as an art form and evaluate self as a creative being;

(D) evaluate live theatre in written and oral form with precise and specific observations of technical elements using appropriate vocabulary;

(E) evaluate film, television, or other media in written or oral form with precise and specific observations of technical elements using appropriate vocabulary;

(F) connect theatre skills and experiences to higher education and careers; and

(G) use technology to communicate and present findings in a clear and coherent manner.

§117.324. *Technical Theatre, Level II, Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following theatre courses: Technical Theatre, Level II (one credit), Lighting and Sound (one-half to one credit), Stagecraft, Costume Construction (one-half to one credit), Makeup for the Theatre (one-half to one credit), Design for the Theatre (one-half to one credit), and Theatre Management (one-half to one credit). Technical Theatre, Level I is suggested as a prerequisite for Technical Theatre, Level II courses.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Through a variety of experiences with technical theatre, Technical Theatre II will afford students the opportunity to continue to study and develop their knowledge of technical theatre arts on a more challenging level. Students explore and apply a myriad of technical theatre concepts and skills. Students will exercise and develop creativity, intellectual curiosity, critical thinking, problem solving, and collaborative skills. Participation and evaluation in a variety of theatrical ex-

periences will afford students opportunities to develop an understanding of self and their role in the world.

(4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the world using elements of drama and conventions of theatre. The student is expected to:

(A) demonstrate proper use of standard vocabulary in costumes, lights, makeup, theatre management, properties, scenery, and sound;

(B) identify the technical elements of theatre such as types of stages, stage areas, fly systems, curtains, front of house, dressing rooms, and storage;

(C) use established theatre systems such as the production calendar, tech rehearsals, and production staff roles;

(D) use safe theatre practices such as personal safety, fire safety, tool safety, shop safety, and handling emergencies in the theatre; and

(E) read and analyze scripts to determine technical theatre elements.

(2) Creative expression: performance. The student develops and demonstrates technical theatre skills through the pre-production processes from concept (script or original idea) to performance. The student is expected to:

(A) identify and use technical elements in various theatrical styles and genres;

(B) apply the design process, including analysis, research, incubation/selection, implementation, and evaluation, to a theatrical product such as a rendering, model, and sketch;

(C) recognize the principles of design, including lines, shape, mass, measure, position, color, and texture;

(D) recognize the principles of composition, including unity, harmony, contrast, variation, balance, proportion, and emphasis;

(E) recognize the elements of color in design such as color theory, the science of color and light, and the color palette;

(F) demonstrate understanding of communication methods between directors and designers such as prompt book, costume plot, light plot, makeup, theatre management, property list, design renderings, and models; and

(G) practice proper measurement and scale as applied to design or construction.

(3) Creative expression: production. The student focuses on a specific area of technical theatre production concepts and skills. The student demonstrates an understanding of and skills in scenery, props, lighting, costumes and makeup, sound, or theatre management. The student is expected to:

(A) identify and safely use technical theatre tools, equipment, and materials;

(B) develop theatre production skills by:

(i) building scenery such as two-dimensional flats and three-dimensional stairs;

(ii) building or pulling and altering costumes using safe costume construction techniques;

(iii) hanging and focusing lighting instruments and using dimmers and controllers;

(iv) identifying electrical theory and practice as it applies to theatrical lighting;

(v) recording, editing, or creating sound effects;

(vi) identifying marketing products for theatrical productions;

(vii) practicing stage management techniques such as build a promptbook, call cues, and record blocking;

(viii) identifying and applying scenic painting techniques; or

(ix) identifying and applying stage properties practices such as buy, borrow, build, and organize; and

(C) read and interpret technical theatre documents such as light plots, costume plots, renderings, ground plans, and cue sheets.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

(A) apply historical or cultural accuracy from research in theatrical design;

(B) analyze the impact of live theatre, film, television, and electronic media on contemporary society;

(C) analyze the cultural heritages of world drama and theatre and identify key figures, works, and trends in technical theatre;

(D) explain the historical development, discoveries, and periods in theatre architecture and stage technology influences such as Latin American marionettes, Greek amphitheater, Asian Noh and Kabuki theatre, Italian Renaissance innovation, and Indian puppet theatre and their influences on modern theatre;

(E) illustrate how technology has changed theatre such as how stage lighting has progressed from limelight to digital light;

(F) understand the multicultural heritage of United States drama and theatre and identify key figures, works, and trends in technical theatre; and

(G) identify and understand the innovations and contributions of the United States to the performing arts such as theatre, melodrama, musical theatre, radio, film, television, technology, or electronic media.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) compile materials to construct a resume and portfolio of works created in technical theatre;

(B) analyze and apply appropriate behavior of technical staff at various types of live performances;

(C) recognize the design and technical elements of theatre as an art form and evaluate self as a creative being;

(D) offer and receive constructive criticism of designs or construction projects by peers and self;

(E) evaluate live theatre in written and oral form with precise and specific observations of technical elements using appropriate vocabulary;

(F) evaluate film, television, or other media in written or oral form with precise and specific observations of technical elements using appropriate vocabulary;

(G) explore career and avocational opportunities in theatre, television, film, or industries such as design, construction, management, theatre education, and arts administration and evaluate the training, skills, self-discipline, and artistic discipline needed to pursue such opportunities;

(H) connect theatre skills and experiences to higher education and careers outside of the theatre; and

(I) use technology to communicate and present findings in a clear and coherent manner.

§117.325. *Technical Theatre, Level III, Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following technical theatre courses: Technical Theatre, Level III (one credit), Advanced Lighting and Sound (one-half to one credit), Advanced Stagecraft (one-half to one credit), Advanced Costume Construction (one-half to one credit), Makeup for the Theatre (one-half to one credit), Advanced Design for the Theatre (one-half to one credit), and Advanced Theatre Management (one-half to one credit). A Technical Theatre, Level II course is suggested as a prerequisite for Technical Theatre, Level III courses.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Through a variety of experiences with technical theatre, Technical Theatre III will afford students the opportunity to continue to study and develop their knowledge of technical theatre arts on a more challenging level. Students explore and apply a myriad of technical theatre concepts and skills. Students will exercise and develop creativity, intellectual curiosity, critical thinking, problem solving, and collaborative skills. Participation and evaluation in a variety of theatrical ex-

periences will afford students opportunities to develop an understanding of self and their role in the world.

(4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the world using elements of drama and conventions of theatre. The student is expected to:

(A) demonstrate proper use of standard vocabulary in costumes, lights, makeup, theatre management, properties, scenery, and sound;

(B) demonstrate a working knowledge of the technical elements of theatre such as types of stages, stage areas, fly systems, curtains, front of house, dressing rooms, and storage;

(C) create and use established theatre systems such as the production calendar, tech rehearsals, and production staff roles;

(D) use and model safe theatre practices such as personal safety, fire safety, tool safety, shop safety, and handling emergencies in the theatre; and

(E) read scripts and apply basic script analysis techniques to technical theatre elements.

(2) Creative expression: performance. The student develops and demonstrates technical theatre skills through the pre-production processes from concept (script or original idea) to performance. The student is expected to:

(A) identify and use technical elements in various theatrical styles and genres;

(B) apply the design process, including analysis, research, incubation/selection, implementation, and evaluation, to a theatrical product such as a rendering, model, or sketch;

(C) apply the principles of design, including lines, shape, mass, measure, position, color, and texture;

(D) apply the principles of composition, including unity, harmony, contrast, variation, balance, proportion, and emphasis;

(E) apply the elements of color in design such as color theory, the science of color and light, and the color palette;

(F) manage and work collaboratively with the production team such as designers, director, crew members, playwright, and stage manager;

(G) defend the importance of collaboration and leadership skills;

(H) develop creativity as it relates to personal expression in technical theatre and design;

(I) interpret technical theatre documents used by directors and designers to communicate such as costume plot, light plot, makeup chart, prompt book, property list, design renderings, and models; and

(J) practice the basics of measurement and scale applied to drafting, design, or construction.

(3) Creative expression: production. The student focuses on a specific area of technical theatre production concepts and skills. The student demonstrates an understanding of and skills in scenery,

props, lighting, costumes and makeup, sound, or theatre management. The student is expected to:

- (A) identify and safely use specialized tools and materials in technical theatre;
- (B) develop theatre production skills by:
 - (i) demonstrating design and building techniques of scenery;
 - (ii) designing and building or pulling and altering costumes;
 - (iii) designing lighting and using electrical theory and practice as it applies to theatrical lighting;
 - (iv) demonstrating an understanding of the physics of acoustics and sound through the design of sound;
 - (v) designing marketing products for theatrical productions;
 - (vi) demonstrating stage management techniques such as build a promptbook, call cues, and record blocking;
 - (vii) implementing and refining scenic painting techniques; or
 - (viii) designing stage properties;
- (C) identify various production roles in all technical areas such as designer, master carpenter, draper, cutter, and master electrician; and

(D) create and interpret technical theatre documents such as light plots, costume plots, renderings, ground plans, and cue sheets.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

- (A) demonstrate a working knowledge of historical or cultural accuracy from research in theatrical design;
- (B) synthesize the impact of live theatre, film, television, and electronic media on contemporary society;
- (C) synthesize the cultural heritages of world drama and theatre and identify key figures, works, and trends in dramatic literature;
- (D) demonstrate a working knowledge of the historical development, discoveries, and periods in theatre architecture and stage technology such as Latin American marionettes, Greek amphitheater, Asian Noh and Kabuki theatre, Italian Renaissance innovation, and Indian puppet theatre and their influences on modern theatre;
- (E) illustrate how technology has changed theatre such as how stage lighting has progressed from limelight to digital light;
- (F) analyze the multicultural heritage of United States drama and theatre and identify key figures, works, and trends in dramatic literature; and
- (G) demonstrate a working knowledge of the innovations and contributions of the United States to the performing arts such as theatre, melodrama, musical theatre, radio, film, television, technology, or electronic media.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) construct a resume and portfolio of works created in technical theatre;

(B) demonstrate appropriate behavior of technical staff at various types of live performances;

(C) apply the design and technical elements of theatre as an art form and evaluate self as a creative being;

(D) offer and receive constructive criticism of designs or construction projects by peers and self;

(E) evaluate live theatre in written and oral form with precise and specific observations of technical elements using appropriate vocabulary;

(F) evaluate film, television, or other media in written or oral form with precise and specific observations of technical elements using appropriate vocabulary;

(G) articulate career and avocational opportunities in theatre, television, film, or industries such as design, construction, management, theatre education, and arts administration and evaluate the training, skills, self-discipline, and artistic discipline needed to pursue such opportunities;

(H) articulate connections in theatre skills and experiences to higher education and careers outside of the theatre; and

(I) use technology to communicate and present findings in a clear and coherent manner.

§117.326. *Technical Theatre, Level IV, Adopted 2013.*

(a) General requirements. Students may fulfill fine arts and elective requirements for graduation by successfully completing one or more of the following technical theatre courses: Technical Theatre, Level IV, Advanced Lighting and Sound (one-half to one credit), Advanced Stagecraft (one-half to one credit), Advanced Costume Construction (one-half to one credit), Makeup for the Theatre (one-half to one credit), Advanced Design for the Theatre (one-half to one credit), and Advanced Theatre Management (one-half to one credit). A Technical Theatre, Level III course is suggested as a prerequisite for Technical Theatre, Level IV courses.

(b) Introduction.

(1) The fine arts incorporate the study of dance, music, theatre, and the visual arts to offer unique experiences and empower students to explore realities, relationships, and ideas. These disciplines engage and motivate all students through active learning, critical thinking, and innovative problem solving. The fine arts develop cognitive functioning and increase student academic achievement, higher-order thinking, communication, and collaboration skills, making the fine arts applicable to college readiness, career opportunities, workplace environments, social skills, and everyday life. Students develop aesthetic and cultural awareness through exploration, leading to creative expression. Creativity, encouraged through the study of the fine arts, is essential to nurture and develop the whole child.

(2) Four basic strands--foundations: inquiry and understanding; creative expression; historical and cultural relevance; and critical evaluation and response--provide broad, unifying structures for organizing knowledge and skills students are expected to acquire. Through the foundations: inquiry and understanding strand, students develop a perception of self, human relationships, and the world using elements of drama and conventions of theatre. Through the creative expression strand, students communicate in a dramatic form, engage in artistic thinking, build positive self-concepts, relate interpersonally, and integrate knowledge with other content areas in a relevant manner. Through the historical and cultural relevance strand, students

increase their understanding of heritage and traditions in theatre and the diversity of world cultures as expressed in theatre. Through the critical evaluation and response strand, students engage in inquiry and dialogue, accept constructive criticism, revise personal views to promote creative and critical thinking, and develop the ability to appreciate and evaluate live theatre.

(3) Through a variety of experiences with technical theatre, Technical Theatre IV will afford students the opportunity to complete a more intense study of a specific area of technical theatre. Through more independent study and increased production responsibilities, study in Technical Theatre IV involves the application of expertise prepared for and acquired in previous theatre art studies. Students explore and apply a myriad of technical theatre concepts and skills. Students will exercise and develop creativity, intellectual curiosity, critical thinking, problem solving, and collaborative skills. Participation and evaluation in a variety of theatrical experiences will afford students opportunities to develop an understanding of self and their role in the world.

(4) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) Foundations: inquiry and understanding. The student develops concepts about self, human relationships, and the environment using elements of drama and conventions of theatre. The student is expected to:

(A) demonstrate proper and regular use of standard vocabulary in costumes, lights, makeup, theatre management, properties, scenery, and sound;

(B) demonstrate a working knowledge of the technical elements of theatre such as types of stages, stage areas, fly systems, curtains, front of house, dressing rooms, and storage;

(C) use and create established theatre systems such as the production calendar, tech rehearsals, and production staff roles;

(D) use and model safe theatre practices such as personal safety, fire safety, tool safety, shop safety, and handling emergencies in the theatre; and

(E) read scripts and apply basic script analysis techniques to technical theatre elements.

(2) Creative expression: performance. The student develops and demonstrates technical theatre skills through the pre-production processes from concept (script or original idea) to performance. The student is expected to:

(A) analyze technical elements in various theatrical styles and genres;

(B) demonstrate creativity in the design of a theatrical product;

(C) demonstrate leadership skills in an area of the production team;

(D) model collaboration and leadership skills;

(E) model creativity as it relates to personal expression in technical theatre and design; and

(F) model communication methods between directors and designers such as prompt book, costume plot, light plot, makeup, theatre management, property list, design renderings, and models.

(3) Creative expression: production. The student focuses on a specific area of technical theatre production concepts and skills.

The student is expected to demonstrate an understanding of and skills in scenery, props, lighting, costumes and makeup, sound, or theatre management. The student is expected to:

(A) model effective and safe use of tools and materials in scenery and property construction;

(B) develop skills to supervise safe construction of scenery;

(C) develop skills to supervise safe use of the basic techniques of costume construction and make-up application;

(D) develop skills to supervise safe use of lighting equipment such as instruments, dimmers, and controllers;

(E) develop skills to supervise safe use of sound equipment; and

(F) demonstrate an understanding of management skills in a theatre production such as house manager, stage manager, marketing manager, or producer.

(4) Historical and cultural relevance. The student relates theatre to history, society, and culture. The student is expected to:

(A) defend historical or cultural accuracy in theatrical design;

(B) articulate the impact of live theatre, film, television, and electronic media on contemporary society;

(C) articulate the impact of cultural heritages of world drama and theatre and identify key figures, works, and trends in technical theatre;

(D) articulate the impact of multicultural heritage of United States drama and theatre and identify key figures, works, and trends in technical theatre; and

(E) predict future innovations and contributions of the United States to the performing arts.

(5) Critical evaluation and response. The student responds to and evaluates theatre and theatrical performances. The student is expected to:

(A) use a resume and portfolio of works created in technical theatre;

(B) model appropriate behavior of technical staff at various types of live performances;

(C) defend the design and technical elements of theatre as an art form and evaluate self as a creative being;

(D) offer and receive constructive criticism of designs or construction projects by peers and self;

(E) evaluate live theatre in written and oral form with precise and specific observations of technical elements using appropriate vocabulary;

(F) evaluate film, television, or other media in written or oral form with precise and specific observations of technical elements using appropriate vocabulary;

(G) articulate career and avocational opportunities in theatre, television, film, or industries such as design, construction, management, theatre education, and arts administration and evaluate the training, skills, self-discipline, and artistic discipline needed to pursue such opportunities;

(H) articulate connections in theatre skills and experiences to higher education and careers outside of the theatre; and

(I) use technology to communicate and present findings in a clear and coherent manner.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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



TITLE 25. HEALTH SERVICES

PART 1. DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 49. ORAL HEALTH PROGRAM

The Executive Commissioner of the Health and Human Services Commission (commission), on behalf of the Department of State Health Services (department), adopts amendments to §§49.1 - 49.18, concerning the Oral Health Program. Sections 49.1 - 49.18 are adopted without changes to the proposed text as published in the February 8, 2013, issue of the *Texas Register* (38 TexReg 617) and, therefore, the sections will not be republished.

BACKGROUND AND PURPOSE

The rules are used to administer the Oral Health Program and implement the Texas Oral Health Improvement Act, Health and Safety Code, Chapter 43. The purpose of the Oral Health Program is to provide comprehensive oral health services to eligible individuals. Based on available funding and priority, oral health services may include dental surveillance; data collection and reporting; provision of preventive oral health services; provision of emergency oral health services; provision of comprehensive oral health services; and oral health promotion and education. Through currently available funding derived from federal grant dollars, central office staff and five regional dental teams, each of which consists of a dentist and dental hygienist, conduct dental surveillance and data collection and reporting and provide preventive oral health services. These services are offered to eligible individuals, which are primarily pre-school and school-age children on the free and reduced-lunch program in rural areas of the state who have limited or no access to preventive dental services. Although the treatment, health promotion, and education portions of the Oral Health Program are not currently funded, retaining the rules allows the oral health treatment services to be implemented quickly if adequate funding is made available.

Government Code, §2001.039, requires that each state agency review and consider for reoption each rule adopted by that agency pursuant to Government Code, Chapter 2001 (Administrative Procedure Act). Sections 49.1 - 49.18 have been reviewed, and the department has determined that reasons for adopting the sections continue to exist, because rules on this subject are needed.

SECTION-BY-SECTION SUMMARY

Amendments throughout the rules update the title of the chapter to reflect the current program name; clarify that the fee-for-service oral health treatment is a benefit of the Oral Health Program, rather than a stand-alone program; and improve grammar, understandability, and readability.

Subchapter A. General Provisions.

The amendments to §49.1 describe the services the Oral Health Program is statutorily authorized to provide, including data collection and analysis. Subsection (b) of the section is deleted because the benefits are better described in each section title under Subchapters B and C and the title of Subchapter D of this chapter, related to FFS Oral Health Treatment Services.

Amendments to §49.2: (1) remove the definition for "Act" as it is previously defined under §49.1; (2) revise the definition of "Administrative Sanctions" to include contract termination to the list of possible actions; (3) remove the definition of "Commissioner," as decision-making authority regarding benefits eligibility is delegated to the state dental director, therefore making the definition no longer necessary; (4) remove the definition of "Department" as it is previously defined under "Purpose and Application"; (5) add a definition for the fee-for-service (FFS) oral health treatment benefits; (6) revise the definition of the "Oral Health Program" to better describe its structure and remove duplication of terms; (7) change the definition of "Oral health services" to "Oral health treatment benefits" to clarify that the citation is relevant to treatment benefits, rather than overall Oral Health Program services, which are described under "Purpose and Application"; (8) delete the definition of "Program" to remove any suggestion that the treatment benefits are a separate program within the Oral Health Program; and revise the definitions of "Recipient," "State Dental Director," and "Third-party nominator." Definitions are renumbered throughout, as appropriate.

Amendments to §49.3 modify the rule title to clarify that the section pertains to the Oral Health Program, as described in §49.1, and make minor revisions to subsection (b) to increase readability. Subsections (c) and (d) have been moved to Subchapter C, Provider Participation in FFS Oral Health Treatment Benefits, §49.10, renamed Provider Participation Requirements to Provide FFS Oral Health Treatment Services, with revisions to update the mailing address for the Oral Health Program and specify the method that additional copies of the benefits manual can be obtained, as the information is specific to the FFS oral health treatment benefit, rather than the overall function of the Oral Health Program.

Amendments to §49.4 modify the rule title to clarify that the section pertains to the Oral Health Program, remove redundancies, and provide clarity regarding the FFS oral health treatment benefits and the benefits manual.

Subchapter B. Recipient Participation in FFS Oral Health Treatment Benefits.

Amendments update the subchapter title to reflect that the subchapter refers to FFS oral health treatment benefits.

The amendments to §49.5 and §49.6 update the rules' titles to clarify that the reference is to the FFS oral health treatment benefits, remove redundancies, and provide clarity regarding the oral health treatment benefits and the benefits manual. The amendment to §49.6(b)(3) removes the acronym for USDA, as it is not referenced in the remaining rule text.

Amendments to §§49.7 - 49.9 update the rules' titles to clarify that the reference is to the FFS oral health treatment bene-

fits, remove redundancies and provide clarity regarding the oral health treatment benefits and the benefits manual, and clarify that the benefits are a component of the Oral Health Program. An amendment to §49.9(d) delegates the decision to waive eligibility requirements under certain circumstances to the state dental director.

Subchapter C. Provider Participation in FFS Oral Health Treatment Benefits.

Amendments update the subchapter title to reflect that the subchapter refers to FFS oral health treatment benefits.

The amendments to §49.10 update the rule title to clarify that the reference is to the FFS oral health treatment services and incorporate text moved from §49.3. The amendments to the section additionally remove redundancies and provide clarity regarding the oral health treatment benefits and the benefits manual and increase readability.

The amendments to §49.11 update the rule title to clarify that the reference is to the FFS oral health treatment services and remove redundancies, provide clarity regarding the oral health treatment benefits and the benefits manual, and clarify that providers must enter into a contract with the department in order to provide FFS oral health treatment benefits.

The amendments to §49.12 update the rule title to clarify that the reference is to the FFS oral health treatment services, remove redundancies, provide clarity regarding the oral health treatment benefits and the benefits manual, and add an acronym for the Texas State Board of Dental Examiners, as it is previously defined in the proposed rule text. An amendment to subsection (d) adds that FFS oral health treatment contracts may be canceled if voided by law.

The amendments to §49.13 update the rule title and text to clarify that the reference is to the FFS oral health treatment services, remove redundancies, and provide clarity regarding the oral health treatment benefits and the benefits manual.

The amendments to §49.14 update the rule title to clarify that the reference is to the FFS oral health treatment services, remove redundancies and provide clarity regarding the oral health treatment benefits and the benefits manual, and clarify that the benefits are a component of the Oral Health Program. An amendment to subsection (c) of the section specifies that a provider claim may be resubmitted with appropriate corrections to be considered for payment.

The amendments to §49.15 remove redundancies, provide clarity regarding the oral health treatment benefits and the benefits manual, and clarify that the benefits are a component of the Oral Health Program.

Subchapter D. Appeals Process for FFS Oral Health Treatment Benefits and Services.

Amendments update the subchapter title to reflect that the subchapter refers to FFS oral health treatment benefits and services.

The amendment to §49.16 clarifies that the benefits are a component of the Oral Health Program.

The amendments to §49.17 provide additional clarity and procedure to request a due process hearing.

The amendments to §49.18 remove specificity and allow the Oral Health Program to operate under the department's fair hearing procedures.

COMMENTS

The department, on behalf of the commission, did not receive any comments regarding the proposed rules during the comment period.

LEGAL CERTIFICATION

The Department of State Health Services General Counsel, Lisa Hernandez, certifies that the rules, as adopted, have been reviewed by legal counsel and found to be a valid exercise of the agencies' legal authority.

SUBCHAPTER A. GENERAL PROVISIONS

25 TAC §§49.1 - 49.4

STATUTORY AUTHORITY

The amendments are authorized by Government Code, §531.0055, and Health and Safety Code, §1001.075, which authorize the Executive Commissioner of the Health and Human Services Commission to adopt rules and policies necessary for the operation and provision of health and human services by the department and for the administration of Health and Safety Code, Chapter 1001; and Health and Safety Code, Chapter 43, which authorizes the department to provide comprehensive oral health services to eligible individuals. The review of the rules implements Government Code, §2001.039.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 2, 2013.

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Lisa Hernandez
General Counsel

Department of State Health Services

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For further information, please call: (512) 776-6990



SUBCHAPTER B. RECIPIENT PARTICIPATION IN FFS ORAL HEALTH TREATMENT BENEFITS

25 TAC §§49.5 - 49.9

STATUTORY AUTHORITY

The amendments are authorized by Government Code, §531.0055, and Health and Safety Code, §1001.075, which authorize the Executive Commissioner of the Health and Human Services Commission to adopt rules and policies necessary for the operation and provision of health and human services by the department and for the administration of Health and Safety Code, Chapter 1001; and Health and Safety Code, Chapter 43, which authorizes the department to provide comprehensive oral health services to eligible individuals. The review of the rules implements Government Code, §2001.039.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Lisa Hernandez

General Counsel

Department of State Health Services

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SUBCHAPTER C. PROVIDER PARTICIPATION IN FFS ORAL HEALTH TREATMENT BENEFITS

25 TAC §§49.10 - 49.15

STATUTORY AUTHORITY

The amendments are authorized by Government Code, §531.0055, and Health and Safety Code, §1001.075, which authorize the Executive Commissioner of the Health and Human Services Commission to adopt rules and policies necessary for the operation and provision of health and human services by the department and for the administration of Health and Safety Code, Chapter 1001; and Health and Safety Code, Chapter 43, which authorizes the department to provide comprehensive oral health services to eligible individuals. The review of the rules implements Government Code, §2001.039.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Lisa Hernandez

General Counsel

Department of State Health Services

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SUBCHAPTER D. APPEALS PROCESS FOR FFS ORAL HEALTH TREATMENT BENEFITS AND SERVICES

25 TAC §§49.16 - 49.18

STATUTORY AUTHORITY

The amendments are authorized by Government Code, §531.0055, and Health and Safety Code, §1001.075, which authorize the Executive Commissioner of the Health and Human Services Commission to adopt rules and policies necessary for the operation and provision of health and human services by the department and for the administration of Health and Safety Code, Chapter 1001; and Health and Safety Code, Chapter 43, which authorizes the department to provide comprehensive oral health services to eligible individuals. The review of the rules implements Government Code, §2001.039.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 65. WILDLIFE

SUBCHAPTER H. PUBLIC LANDS PROCLAMATION

31 TAC §§65.190, 65.191, 65.193, 65.199

The Texas Parks and Wildlife Commission in a duly noticed meeting on May 23, 2013, adopted amendments to §§65.190, 65.191, 65.193, and 65.199, concerning the Public Lands Proclamation. Section 65.190 and §65.199 are adopted with changes to the proposed text as published in the April 19, 2013, issue of the *Texas Register* (38 TexReg 2484). Section 65.191 and §65.193 are adopted without changes and will not be republished.

The change to §65.190, concerning Application, alters subsections (a) and (c) to reflect the fact that Lake Somerville is no longer designated as a wildlife management area.

The change to §65.199, concerning General Rules of Conduct, replaces the term "normal voice distance" with a specific distance of 200 yards for purposes of determining when gear or floating conveyances are unattended. The change also eliminates proposed new paragraph (18) and adds floating conveyances to the provisions of proposed new paragraph (19), adopted as paragraph (18). Public comment received by the department in response to the proposal requested the department to impose the same standard for floating conveyances that was proposed for personal gear for purposes of determining if something is unattended. As proposed, personal gear or equipment is unattended if it is not within normal voice range for more than one hour following the close of lawful shooting hours; however, floating conveyances were considered to be unattended at any time that a user was not within normal voice range. The change would create a single standard that applies to floating conveyances and personal gear or equipment without distinction.

The amendment to §65.190, concerning Application, makes several nonsubstantive organizational and nomenclatural changes. The amendment adds language to subsection (b) to refer to the full name of the Caddo National Grasslands Wildlife Management Area (WMA) and organizes the listing of the entities af-

ected by subsections (a) and (b) by naming WMAs first, followed by other types of public hunting lands. The amendment also removes Old Tunnel and Walter Buck WMAs from the inventory of WMAs because they are now part of the state park system.

The amendment to §65.191, concerning Definitions, adds the acronym "PHL" to the definition of "public hunting lands" so that public hunting lands can be referred to by an acronym when necessary.

The amendment to §65.193, concerning Access Permit Required and Fees, eliminates subsection (b)(4)(A) and (B), which is not necessary because it repeats provisions already contained in §65.190(b) and (c).

The amendment to §65.199, concerning General Rules of Conduct, defines the term "unattended," clarifies the use of dogs to hunt, and creates offenses for leaving personal gear or floating conveyances unattended within the boundaries of public hunting lands or hunting with dogs in violation of the rule. WMA staff have experienced difficulties with the abandonment of gear and equipment (such as waterfowl decoys, temporary floating blinds, and personal effects) on public hunting lands and with user conflicts arising from temporary blinds and waterfowl decoys left out overnight to "stake a claim" to an area for hunting activities in the future. Unless a person has been drawn for or is participating in specific hunting activities scheduled by the department, the department believes that providing hunting opportunity on a daily, first-come, first-served basis is the most equitable method of distributing walk-in hunting privileges. Additionally, collecting and disposing of abandoned property diverts department field personnel from other duties. The amendment therefore prohibits leaving personal gear or floating conveyances unattended and would provide that such material is "unattended" if the person who is responsible for the gear, equipment, or floating conveyance is not within 200 yards of the gear, equipment, or floating conveyance. The amendment also provides an exception for personal gear within designated campsites and camping areas and during multi-day hunts scheduled by the department.

Additionally, the amendment specifies that dogs may be used to hunt on public hunting lands only when explicitly authorized by the department publications "Map Booklet for Public Hunting Lands" and "Applications for Drawings on Public Hunting Lands" and that it is an offense to use a dog to hunt on public hunting lands unless the use of dogs to hunt is specifically authorized in those publications. Under Parks and Wildlife Code, §81.402, the executive director of the department may regulate numbers, means, methods, and conditions for taking wildlife resources on wildlife management areas and public hunting lands. The numbers, means, methods, and conditions for taking wildlife resources on wildlife management areas and public hunting lands are prescribed by executive order in the department publications entitled "Map Booklet for Public Hunting Lands" and "Applications for Drawings on Public Lands," which contain language addressing the use of dogs on public lands; however, in the interests of clarity, staff have determined that it has become necessary to explicitly state by rule that the rules governing the use of dogs on public hunting lands are set forth in those publications.

The department received two comments opposing adoption of the proposed rules. One commenter opposed adoption and stated that the "normal voice distance" standard for determining if gear, equipment, or a floating conveyance is unattended is unfair for the deaf and hearing impaired. The department agrees that the term is vague and subjective and has made changes accordingly to replace the term "normal voice distance" with a

specific distance of 200 yards for purposes of determining when gear or floating conveyances are unattended. The commenter also stated that the same standard for gear and equipment should be used to determine if a floating conveyance is unattended. For the reasons discussed earlier in this preamble in the change to §65.199, the department agrees with the comment and has made changes accordingly.

One commenter opposed adoption and stated that instead of making it an offence to leave gear, equipment, and floating conveyances unattended, the department should institute a permit system for hunters who would like to leave gear, equipment, or conveyances in the field, confiscate unattended gear, equipment, and conveyances, and auction the gear, equipment, and conveyances to raise money. The department disagrees with the comment and responds that operating a permit system would be cost-prohibitive because the increased demands on staff time would mean less time spent on habitat enhancement and wildlife conservation. No changes were made as a result of the comment.

The department received 14 comments supporting adoption of the proposed rules.

No groups or associations commented on the proposed rules.

The amendments are adopted under the authority of Parks and Wildlife Code, §81.006, which prohibits the take, attempted take, or possession of any wildlife or fish from a wildlife management area except in the manner and during the times permitted by the department under Chapter 81, Subchapter E, and under Chapter 81, Subchapter E, which provides the Parks and Wildlife Commission with authority to establish an open season on wildlife management areas and public hunting lands, authorizes the executive director to regulate numbers, means, methods, and conditions for taking wildlife resources on wildlife management areas and public hunting lands, and authorizes the commission to adopt rules governing recreational activities in wildlife management areas.

§65.190. Application.

(a) This subchapter applies to all activities subject to department regulation on lands designated by the department as public hunting lands, regardless of the presence or absence of boundary markers. Public hunting lands are acquired by lease or license, management agreements, trade, gift, and purchase. Records of such acquisition are on file at the Department's central repository.

(b) On U.S. Forest Service Lands designated as public hunting lands (Alabama Creek, Bannister, Caddo National Grasslands, Moore Plantation, Sam Houston National Forest WMAs, and Lake McClellan Recreation Area) or any portion of Units 902 and 903, persons other than hunters are exempt from the provisions of this subchapter, except for the provisions of §65.199(c)(15) of this title (relating to General Rules of Conduct).

(c) On U.S. Army Corps of Engineer Lands designated as public hunting lands (Cooper, Dam B, Pat Mayse, and White Oak Creek WMAs; Granger, Somerville and Ray Roberts PHLs), persons other than hunters and equestrian users are exempt from requirements for an access permit.

(d) On state park lands designated as public hunting lands, access for fishing and recreational use is governed by state park regulations.

(e) Public hunting lands include, but are not limited to, the following:

- (1) Alabama Creek WMA (Unit 904);
- (2) Alazan Bayou WMA (Unit 747);
- (3) Atkinson Island WMA;
- (4) Bannister WMA (Unit 903);
- (5) Big Lake Bottom WMA (Unit 733);
- (6) Black Gap WMA (Unit 701);
- (7) Blue Elbow Swamp-Tony Houseman WMA/SP;
- (8) Caddo Lake WMA (Unit 730);
- (9) Caddo National Grasslands WMA (Unit 901);
- (10) Candy Abshier WMA;
- (11) Cedar Creek Islands WMA (includes Big Island, Bird Island, and Telfair Island Units);
- (12) Chaparral WMA (Unit 700);
- (13) Cooper WMA (Unit 731);
- (14) D.R. Wintermann WMA;
- (15) Dam B WMA--includes Angelina-Neches Scientific Area (Unit 707);
- (16) Designated Units of the Las Palomas WMA;
- (17) Designated Units of Public Hunting Lands Under Short-Term Lease;
- (18) Designated Units of the Playa Lakes WMA;
- (19) Designated Units of the State Park System;
- (20) Elephant Mountain WMA (Unit 725);
- (21) Gene Howe WMA (Unit 755)--includes Pat Murphy Unit (Unit 706);
- (22) Granger (Unit 709);
- (23) Guadalupe Delta WMA (Unit 729)--includes Mission Lake Unit (720), Guadalupe River Unit (723), Hynes Bay Unit (724), and San Antonio River Unit (760);
- (24) Gus Engeling WMA (Unit 754);
- (25) James Daughtrey WMA (Unit 713);
- (26) J.D. Murphree WMA (Unit 783);
- (27) Justin Hurst WMA (Unit 721);
- (28) Keechi Creek WMA (Unit 726);
- (29) Kerr WMA (Unit 756);
- (30) Lake McClellan Recreation Area (Unit 906);
- (31) Lower Neches WMA (Unit 728)--includes Old River Unit and Nelda Stark Unit;
- (32) Mad Island WMA (Unit 729);
- (33) Mason Mountain WMA (Unit 749);
- (34) Matador WMA (Unit 702);
- (35) Matagorda Island WMA (Unit 722);
- (36) McGillvray and Leona McKie Muse WMA (Unit 750);
- (37) M.O. Neasloney WMA;
- (38) Moore Plantation WMA (Unit 902);

- (39) Nannie Stringfellow WMA (Unit 716);
- (40) North Toledo Bend WMA (Unit 615);
- (41) Old Sabine Bottom WMA (Unit 732);
- (42) Pat Mayse WMA (Unit 705);
- (43) Ray Roberts (Unit 501);
- (44) Redhead Pond WMA;
- (45) Richland Creek WMA (Unit 703);
- (46) Sam Houston National Forest WMA (Unit 905);
- (47) Sierra Diablo WMA (Unit 767);
- (48) Somerville (Unit 711);
- (49) Tawakoni WMA (Unit 708);
- (50) Welder Flats WMA;
- (51) White Oak Creek WMA (Unit 727); and
- (52) Other numbered units of public hunting lands.

§65.199. *General Rules of Conduct.*

(a) This section applies to all public hunting lands unless an exception for a specific area and time period is designated by the executive director or by written permission of the department.

(b) For the purposes of this section, gear, equipment, and floating conveyances are "unattended" if the person who is responsible for the gear, equipment, or floating conveyance is not within 200 yards of the gear, equipment, or floating conveyance.

(c) It is unlawful for any person to:

(1) fail to obey regulations posted at the area or policies established by order of the executive director, fail to comply with instructions on permits or area leaflets, or refuse to follow directives given by departmental personnel in the discharge of official duties;

(2) possess a firearm, archery equipment, or any other device for taking wildlife resources on public hunting lands, except for persons authorized by the department to hunt or conduct research on the area, commissioned law enforcement officers, and department employees in performance of their duties;

(3) camp or construct an open fire anywhere other than in a designated campsite. On the Alabama Creek, Bannister, Caddo, Moore Plantation, and Sam Houston National Forest WMAs, this restriction applies only during the period from the day prior to the opening of the archery deer season through the day following the close of the general deer season;

(4) camp for more than 14 consecutive days on the same unit of public hunting lands, or for more than 21 days in any 30-day period;

(5) cause, create, or contribute to excessive or disturbing sounds beyond the person's immediate campsite between the hours of 10 p.m. and 6 a.m.;

(6) establish a camp and leave it unattended for a period of longer than 24 hours;

(7) disturb or remove plants, wood, rocks, gravel, sand, soil, shell, artifacts, or other objects from public hunting lands, except as authorized by the department;

(8) write on, scratch, or otherwise deface natural features, signs, buildings, or other structures;

(9) fail to deposit refuse in designated containers or fail to remove it from the area;

(10) consume or be under the influence of alcohol while engaged in hunting activities, or to publicly consume or display an alcoholic beverage while on public hunting lands;

(11) possess dogs in camp that are not confined or leashed;

(12) use or possess any type of riding stock or pack animal on public hunting lands at any time, except:

(A) as may be provided by order of the executive director; or

(B) by written authorization of the department;

(13) use an airboat within the boundaries of public hunting lands, except as provided by executive order or by written permission of the department;

(14) take an antlerless deer during the general open season on wildlife management areas jointly managed by TPW and the U.S. Forest Service (Alabama Creek, Bannister, Caddo, Moore Plantation, or Sam Houston National Forest) unless that person possesses on their person a U.S.F.S. antlerless permit;

(15) enter a unit of public hunting lands with an equine or equines, or cause the entry of an equine or equines to a unit of public hunting lands, unless that person has in their immediate possession, for each equine in the person's custody or equine that the person allowed to enter the unit of public hunting lands, a completed VS Form 10-11 (Texas Animal Health Commission) showing that the equine has tested negative to an official Equine Infectious Anemia test within the previous 12 months. The documentation required by this paragraph shall be made available for inspection upon the request of any department employee acting within the scope of official duties;

(16) park or leave a motor vehicle unattended anywhere other than in designated parking areas, if parking areas have been designated;

(17) use a motor vehicle, off-road vehicle, or ATV on a road, in an area, or at a time when such use is restricted to disabled persons, unless the person is in possession of a state-issued disabled parking placard or disabled license plate or assisting such a person;

(18) leave personal gear, equipment (including decoys), or a floating conveyance unattended for more than one hour following the close of legal shooting hours. This paragraph does not apply to personal gear, equipment, or a floating conveyance:

(A) within a designated camping area or designated campsite; or

(B) that is unattended during reserved participation in a public hunting activity that has been specifically scheduled by the department.

(19) engage in any activity not specifically authorized by order of the executive director or regulation of the commission.

(d) Hunting with Dogs.

(1) Dogs may be possessed and used to hunt animals and birds on public hunting lands only as provided:

(A) in the "Legal Game Legend" provided for each unit of public hunting lands in the department publication entitled "Map Booklet for Public Hunting Lands;" or

(B) in the case of drawn hunts, in the department publication entitled "Applications for Drawings on Public Hunting Lands."

(2) It is an offense for any person to use a dog to hunt a bird or animal on public hunting lands except as authorized:

(A) in the "Legal Game Legend" provided for each unit of public hunting lands in the department publication entitled "Map Booklet for Public Hunting Lands" or

(B) in the "Applications for Drawings on Public Hunting Lands."

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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Ann Bright

General Counsel

Texas Parks and Wildlife Department

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



SUBCHAPTER K. RAPTOR PROCLAMATION

31 TAC §§65.264, 65.267, 65.270

The Texas Parks and Wildlife Commission in a duly noticed meeting on May 23, 2013, adopted amendments to §§65.264, 65.267, and 65.270, concerning the Raptor Proclamation, without changes to the proposed text as published in the April 19, 2013, issue of the *Texas Register* (38 TexReg 2487).

The practice of falconry is regulated at both the state and federal levels. The federal authority to regulate falconry is derived from the Migratory Bird Treaty Act, implementing an international treaty to which the United States is a signatory. As with all migratory bird rules, the states may adopt rules that are more restrictive than the federal rules, but may not adopt rules that are less restrictive.

The amendment to §65.264, concerning Permit Application Requirements, clarifies the flight-time requirements for apprentice permittees who wish to become general-class permittees. The current rules require an applicant for a general permit to have "maintained (to include capture from the wild), trained, flown (which may include releasing to the wild) and hunted with raptors in the applicant's possession for at least four months in each of at least two years during which the person has been permitted to practice falconry." The department has become aware that at least one person interprets the provision to mean that the two years of experience can be attained with a bird that was not trapped from the wild by the apprentice (i.e., a bird trapped by another falconer or obtained from another falconer). This is not the intent of the requirement. The purpose of the apprentice level of falconry permit is to ensure that a person entering the sport of falconry be mentored and supervised by an experienced falconer for two years before being allowed to obtain a permit that allows that person to practice falconry alone. In this way, the department can be reasonably confident that a person who enjoys the privilege of possessing and using a live, publicly owned wildlife resource has received the proper training in the care of raptors, raptor biology/ecology, and the art of trapping and using raptors for hunting purposes and can be expected to behave responsibly if issued a general falconry permit. The amendment makes

clear that the requirements of the provision can be satisfied only by means of a raptor trapped from the wild by the apprentice, unless the raptor was trapped by a general or master permittee under a physician's statement.

The amendment to §65.267, concerning Permit Privileges and Restrictions, removes the prohibition on the possession of non-sterilized raptors by apprentice falconers. In 2010, the U.S. Fish and Wildlife Service revamped the federal regulations governing the possession and use of native raptors. Prior to 2010, federal rules prohibited the possession of hybridized raptors by apprentice falconers. When the department reorganized falconry regulations in 2010, that prohibition was inadvertently retained. Because federal regulations no longer prohibit the possession of unsterilized hybridized raptors by apprentice falconers, the department sees no reason to retain the prohibition.

The amendment to §65.267 also alters subsection (e) to remove the provision that prohibits the issuance of a nonresident trapping permit to a resident of a state that does not allow Texas residents to trap raptors in that state. Only four states do not allow nonresidents to trap raptors (Alaska, Connecticut, Vermont, and West Virginia). Staff have determined that in the interests of streamlining the permit process, the provision is no longer necessary.

The amendment to §65.270, concerning Notification, Reporting, and Recordkeeping Requirements, alters subsection (f) to clarify requirements for falconers licensed in another state who relocate to Texas. Under Parks and Wildlife Code, §49.003, a person in possession of a raptor under a license issued by another state who intends to establish residency in this state must apply to the department for a falconry permit not later than the 10th day after the date the person first moves a raptor into the state. Under current rule (§65.270(f)), a person who relocates to Texas and holds the valid equivalent of a Texas falconry permit issued by another state, territory, or tribe may retain raptors the person lawfully possesses; however, the person is required to submit an application for the appropriate Texas permit within 30 days of relocation to this state. The amendment would make the regulatory timeframe consistent with the statutory requirement for permit application and clarify that a person who has complied with these provisions may practice falconry, including hunting, in the interim while waiting for the issuance of a Texas falconry permit; however, the person must purchase a nonresident hunting license if the person hunts by means of falconry in Texas.

The amendment to §65.264 will function by removing ambiguity from rules regarding criteria for issuance of general permits.

The amendment to §65.267 will function by eliminating unnecessary provisions and streamlining the rules governing the practice of falconry.

The amendment to §65.270 will function by making the department's rules consistent with statutory requirements concerning notifications.

The department received three comments opposing adoption of the proposed rules. Those comments, accompanied by the department's response to each, follow.

One comment opposed adoption and stated that allowing unsterilized hybrid raptors to be flown creates the possibility of hybridization with wild populations. The department disagrees with the comment and responds that the requirement was eliminated from the federal rules by the U.S. Fish and Wildlife Service because hybridization and survival in the wild among falconiforme

birds is extremely uncommon. No changes were made as a result of the comment.

One comment opposed adoption and stated that apprentices should be allowed to fly birds that were trapped by someone else. The department agrees with the commenter and responds that the rules do not alter the ability of apprentice permittees to fly birds trapped by another person. No changes were made as a result of the comment.

One comment opposed adoption and stated that the rules should not decrease the amount of time available to a nonresident falconer for notifying the department following relocation to Texas. The department disagrees with the comment and responds that the time limit in question is established by statute and the commission may not alter or eliminate it. No changes were made as a result of the comment.

The amendments are adopted under Parks and Wildlife Code, Chapter 49, which authorizes the commission to prescribe rules for the taking, capture, possession, propagation, transportation, export, import, and sale of raptors, time and area from which raptors may be taken or captured, and species that may be taken or captured; provide standards for possessing and housing raptors held under a permit; prescribe annual reporting requirements and procedures; and prescribe eligibility requirements and fees for and issuance of any falconry, raptor propagation, or nonresident trapping permit; §61.054, which requires the commission to specify the means or method that may be used to hunt, take, or possess game animals, game birds, or aquatic animal life; and Chapter 67, which authorizes the commission to establish any limits on the taking, possession, propagation, transportation, importation, exportation, sale, or offering for sale of nongame fish or wildlife that the department considers necessary to manage the species.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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SUBCHAPTER W. SPECIAL PERMITS

31 TAC §65.905

The Texas Parks and Wildlife Commission in a duly noticed meeting on March 28, 2013, adopted new §65.905, concerning Interstate Transport of Deer through Texas, with changes to the proposed text as published in the February 22, 2013, issue of the *Texas Register* (38 TexReg 1123).

The change inserts the word "materially" in paragraph (3)(C) to clarify that the provisions of the section apply to significant alterations of travel routes and not to minor route changes due to unforeseen factors such as roadwork, accidents, and similar factors.

New §65.905 stipulates the conditions under which persons may possess white-tailed or mule deer in Texas without a permit issued by the department under Parks and Wildlife Code, Chapter 43, Subchapter C, E, L, or R.

The provisions of 31 TAC Chapter 65, Subchapter T, govern the possession of deer under a deer breeder permit. Under that subchapter (31 TAC §65.602), no person may possess a live deer in this state unless that person possesses a valid permit issued by the department under the provisions of Parks and Wildlife Code, Chapter 43, Subchapter C, E, L, or R. Further, also under Chapter 65, Subchapter T, §65.611(f), no person in Texas may possess a deer acquired from an out-of-state source or import or attempt to import deer from an out-of-state source. The latter rule was promulgated in 2005, as published in the June 17, 2005, issue of the *Texas Register* (30 TexReg 3595), to address the threat to wild and farmed deer in Texas posed by Chronic Wasting Disease (CWD). In 2010, the rule was revised to clarify that it was also intended to prevent the introduction or spread of other diseases, including bluetongue virus, Epizootic Hemorrhagic Disease Virus, Malignant Catarrhal Fever, and Adenovirus Hemorrhagic Disease, as published in the January 8, 2010, issue of the *Texas Register* (35 TexReg 252). The department on several occasions has refused to allow the transportation of captive cervids through Texas on the basis of protecting the state's wild and farmed deer populations from disease.

Recent federal rulemaking has created a federal CWD-management infrastructure that has the consequence of allowing the interstate transport of captive cervids by persons who meet federal herd-certification requirements. The federal action, which was published in the *Federal Register* (77 FR 35542 - 35571) and codified at 9 CFR Parts 55 and 81, and is already in effect, preempts the department's authority to close its borders to the transport of farmed cervids through the state. For this reason, it is necessary for the department to amend its rules to allow the interstate transport of captive cervids through Texas by persons who are allowed to do so under federal law. However, because the department cannot disregard the potential threat to native and farmed deer in the state posed by deer entering the state from other states, the department believes it is prudent to promulgate rules that require specific actions to be undertaken by persons who desire to transport deer through Texas.

New §65.905 sets forth the requirements a person is required to meet in order to transport or possess deer in Texas without a permit issued by the department. The new rule applies only to the extent that department rules regarding the importation and/or transport through the state of white-tailed and mule deer not possessed under a permit issued by the department are preempted under the provisions of 9 CFR §81.5. It is the intent of the department to allow the entry and transport through Texas of only those deer that are lawfully qualified for interstate transport under federal law and to deny entry and transport to all other deer.

New §65.905(1)(A) - (E) requires a person transporting deer through Texas under the rule to physically possess a valid certificate of veterinary inspection attesting to the fact that the deer in possession meet the herd certification requirements of the United States Department of Agriculture for interstate transportation of captive cervids. The department has determined that it is prudent to require persons who transport deer through the state pursuant to authority of federal regulations to possess proof that the deer in fact meet the federal standards for interstate transport. This proof would consist of the certificate of veterinary

inspection issued by the Animal and Plant Inspection Service (APHIS) of the U.S. Department of Agriculture. The new paragraph also requires deer transported through Texas to be confined at all times in a sealed vehicle and prohibits both the release of deer in Texas and the commingling of deer with any other susceptible species while in Texas. The optimum method of reducing the disease threat posed by deer originating from an out-of-state source (absent a prohibition on entry) is to require confinement and prohibit contact with other animals. In order to verify that deer are confined at all times, the rule requires trailers and vehicles used to confine deer to be sealed with a mechanical security seal. Such seals are common in the trucking, container, and rail freight businesses. New paragraph (1)(F) requires a person to notify the department and furnish certain information regarding dates, vehicles and trailers, cargo, seal and personnel identification, and route not less than 24 nor more than 36 hours in advance of entering the state while in possession of deer. The department considers that optimum vigilance in protecting the state's wildlife resources is preserved when the department has certain specific prior knowledge that deer from an out-of-state source are to be transported through the state. By requiring particular information regarding the date, cargo, route, description of vehicles and trailers, seals, and on-site personnel, the department is able to quickly determine the status of any deer encountered in the act of transport.

New paragraph (2) requires a person in possession of deer under the provisions of the section to possess an authorization number issued by the department at all times the person is in Texas while in possession of deer without a permit. The provision is necessary to provide a method for validating that a person in fact complied with the notification requirements of paragraph (1).

New paragraph (3) requires persons transporting deer through the state under the provisions of the section to immediately notify the department in the event that any deer escape confinement while in the state of Texas, a seal on a trailer or vehicle used to transport deer under the provisions of this section is removed for any reason, or any condition or event occurs that causes the person in possession of deer to materially alter the route being taken or the schedule reported to the department under paragraph (1). The department considers that the possibility of unplanned events exists. As a result, it is necessary to notify the department when such unplanned events occur.

The department received no comments opposing adoption of the proposed rule.

The department received nine comments supporting adoption of the proposed rule.

No groups or associations commented on the proposed rule.

The new rule is adopted under Parks and Wildlife Code, §61.021, which prohibits the possession of a game animal except by proclamation of the commission; and §61.052, which requires the commission to regulate the periods of time when it is lawful to possess game animals and the means, methods, and places in which it is lawful to possess game animals.

§65.905. Interstate Transport of Deer through Texas.

Only to the extent that department rules regarding the importation and/or transport through the state of white-tailed and mule deer not possessed under a permit issued by the department are preempted under the provisions of 9 CFR §81.5, this section shall apply.

(1) A person without a permit issued by the department may transit the state while in possession of live deer lawfully obtained in another state, provided:

(A) the person physically possesses a valid certificate of veterinary inspection attesting to the fact that the deer in possession meet the herd certification requirements of the United States Department of Agriculture for interstate transportation of captive cervids;

(B) the deer are confined at all times;

(C) the deer are not released;

(D) the deer are not commingled with any other susceptible species, as defined in 4 TAC §40.3(a)(3) (relating to Herd Status Plans for Cervidae) while in the state of Texas;

(E) the doors and/or tailgate of any trailer or vehicle used to confine the deer during transport have been secured with a numbered or otherwise uniquely identified, tamper-resistant, mechanical security seal prior to entering the state of Texas, which seal(s) shall not be removed while the vehicle or trailer is in the state of Texas; and

(F) the person or the person's representative has contacted the department by notifying the Law Enforcement Communications Center in Austin not less than 24 nor more than 36 hours in advance of entering the state while in possession of deer and provided to the department:

(i) the dates and times that the person expects to enter and depart the state of Texas while in possession of deer without a permit issued by the department;

(ii) the specific points of origin and destination of each deer being transported;

(iii) the species and quantity of deer being transported;

(iv) the specific route the transport will follow, including the points at which the transporter will enter and depart the state of Texas;

(v) a description of the make, model, and color of all vehicles and trailers to be employed in the transport, including license plate numbers;

(vi) the unique identifier of the security seal(s) used on each vehicle and/or trailer used to confine deer; and

(vii) the name, drivers license number, and cell phone numbers of any person accompanying the deer while the deer are in the state of Texas.

(2) Upon receiving the information required under paragraph (1) of this section, the department will issue an authorization number to the person providing the information. It is an offense for any person to possess or transport deer through the state of Texas under the provisions of this section unless the person physically possesses a department-issued authorization number that is valid for the specific act of transport being conducted.

(3) A person transporting deer under the provisions of this section shall immediately notify the department in the event that:

(A) any deer escape confinement while in the state of Texas;

(B) a seal on a trailer or vehicle used to transport deer under the provisions of this section must be removed for any reason; or

(C) any condition or event occurs that causes the person in possession of deer to materially alter the route being taken or the schedule reported to the department under paragraph (1) of this section.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 2, 2013.

TRD-201302767

Ann Bright

General Counsel

Texas Parks and Wildlife Department

Effective date: July 22, 2013

Proposal publication date: February 22, 2013

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



TITLE 34. PUBLIC FINANCE

PART 5. TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM

CHAPTER 105. CREDITABLE SERVICE

34 TAC §105.6

The Texas County and District Retirement System (TCDRS) adopts a new rule, §105.6, concerning the calculation of current service credit. The new rule is adopted without changes to the proposed text as published in the May 24, 2013, issue of the *Texas Register* (38 TexReg 3294). The rule will not be republished.

The rule will provide clarification to employers and members that participate in TCERS concerning how creditable service is calculated. As adopted, the new rule provides that a member will be credited with one month of credited service for each month for which contributions are made, reported and certified by the participating employer, which is consistent with the statutes governing establishment of current service credit codified in Subchapter E of Chapter 843 of the Texas Government Code.

No comments were received regarding adoption of the new rule.

The new rule is adopted under the Texas Government Code, §843.401 which provides that the TCERS Board of Trustees may adopt rules concerning how current service credit is calculated.

No other statutes, articles or codes are affected by this adoption.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 2, 2013.

TRD-201302779

Tom Harrison

General Counsel

Texas County and District Retirement System

Effective date: July 22, 2013

Proposal publication date: May 24, 2013

For further information, please call: (512) 637-3247



TITLE 43. TRANSPORTATION

PART 3. AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY

CHAPTER 57. AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY

43 TAC §57.13

The Automobile Burglary and Theft Prevention Authority (ABTPA) adopts an amendment to §57.13, concerning Award and Acceptance of Grant Award, without changes to the proposed text as published in the February 22, 2013, issue of the *Texas Register* (38 TexReg 1137). The rule will not be republished.

The amendment removes specific references that are no longer applicable to the ABTPA and includes language concerning establishment of an effective date for acceptance of a grant award.

No written comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413(37), §6(a). The ABTPA interprets §6(a) as authorizing it to adopt rules implementing its statutory powers and duties, which grant projects as part of its plan for providing financial support to combat automobile theft and economic automobile theft as required by §7 and §8 of Article 4413(37).

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 2, 2013.

TRD-201302762

Charles Caldwell

Director

Automobile Burglary and Theft Prevention Authority

Effective date: July 22, 2013

Proposal publication date: February 22, 2013

For further information, please call: (512) 465-4011

43 TAC §57.14

The Automobile Burglary and Theft Prevention Authority (ABTPA) adopts an amendment to §57.14, concerning the Approval of Grant Projects, without changes to the proposed text as published in the February 22, 2013, issue of the *Texas Register* (38 TexReg 1137). The rule will not be republished.

The amendment adds language to include auto burglary when evaluating a project for funding.

No written comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4413(37), §6(a). The ABTPA interprets §6(a) as authorizing it to adopt rules implementing its statutory powers and duties, which grant projects as part of its plan for providing financial support to combat automobile theft and economic automobile theft as required by §7 and §8 of Article 4413(37).

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 2, 2013.

TRD-201302763

Charles Caldwell

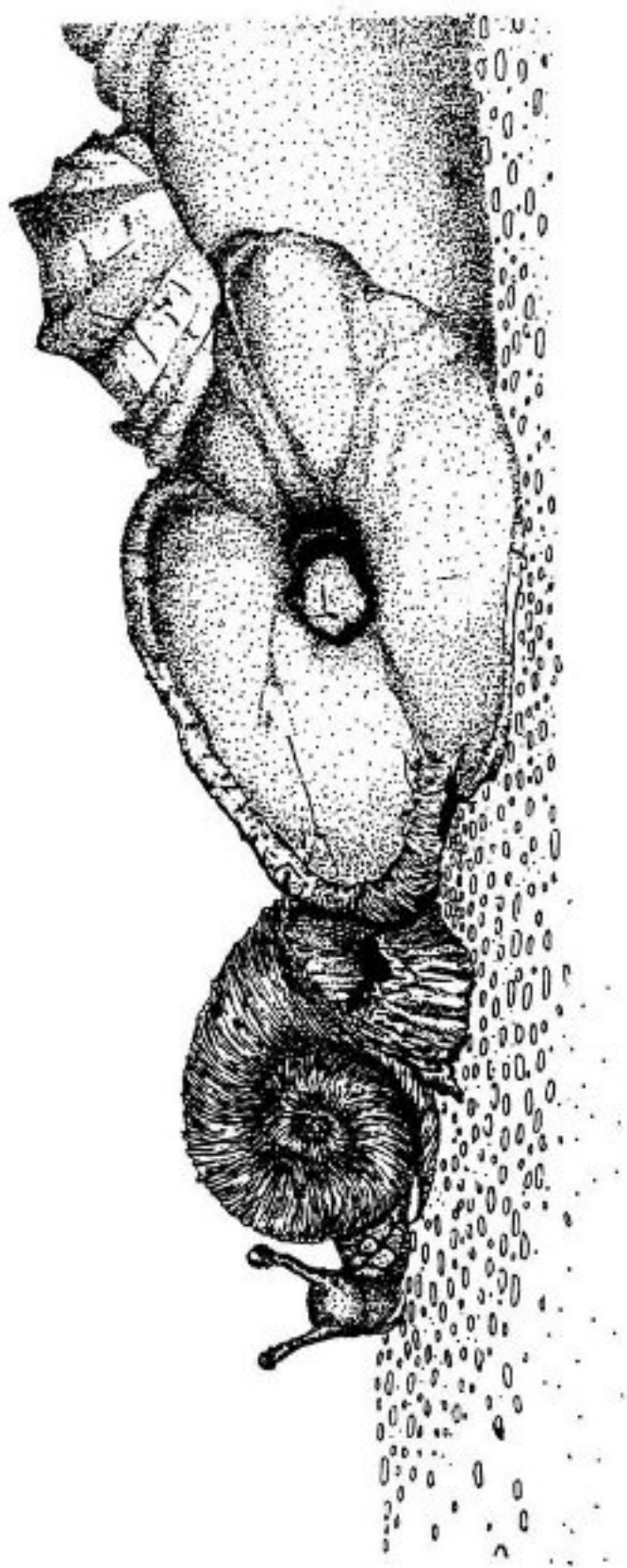
Director

Automobile Burglary and Theft Prevention Authority

Effective date: July 22, 2013

Proposal publication date: February 22, 2013

For further information, please call: (512) 465-4011



REVIEW OF AGENCY RULES

This section contains notices of state agency rules review as directed by the Texas Government Code, §2001.039. Included here are (1) notices of *plan to review*; (2)

notices of *intention to review*, which invite public comment to specified rules; and (3) notices of *readoption*, which summarize public comment to specified rules. The complete text of an agency's *plan to review* is available after it is filed with the Secretary of State on the Secretary of State's web site (<http://www.sos.state.tx.us/texreg>). The complete text of an agency's rule being reviewed and considered for *readoption* is available in the *Texas Administrative Code* on the web site (<http://www.sos.state.tx.us/tac>).

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the web site and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Texas Board of Nursing

Title 22, Part 11

In accordance with Government Code §2001.039, the Texas Board of Nursing (Board) files this notice of intention to review and consider for re-adoption, re-adoption with amendments, or repeal, the following chapter contained in Title 22, Part 11, of the Texas Administrative Code:

Chapter 227, Pilot Programs for Innovative Applications to Professional Nursing Education, §§227.1 - 227.6.

In conducting its review, the Board will assess whether the reasons for originally adopting this chapter continue to exist. Each section of this chapter will be reviewed to determine whether it is obsolete, whether it reflects current legal and policy considerations and current procedures and practices of the Board, and whether it is in compliance with Chapter 2001 of the Government Code (the Administrative Procedure Act).

The public has thirty (30) days from the publication of this rule review in the *Texas Register* to comment and submit any response or

suggestions. No action is required by the Board. Written comments may be submitted to Lance Brenton, Assistant General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701, by e-mail to lance.brenton@bon.texas.gov, or by fax to Lance Brenton at (512) 305-8101. Any proposed changes to the rules as a result of this review will be published separately in the Proposed Rule section of the *Texas Register* and will be open for an additional comment period prior to the final adoption or repeal by the Board.

This rule review is undertaken pursuant to the Board's 2011-2013 rule review plan that is available on the Secretary of State's website.

TRD-201302804

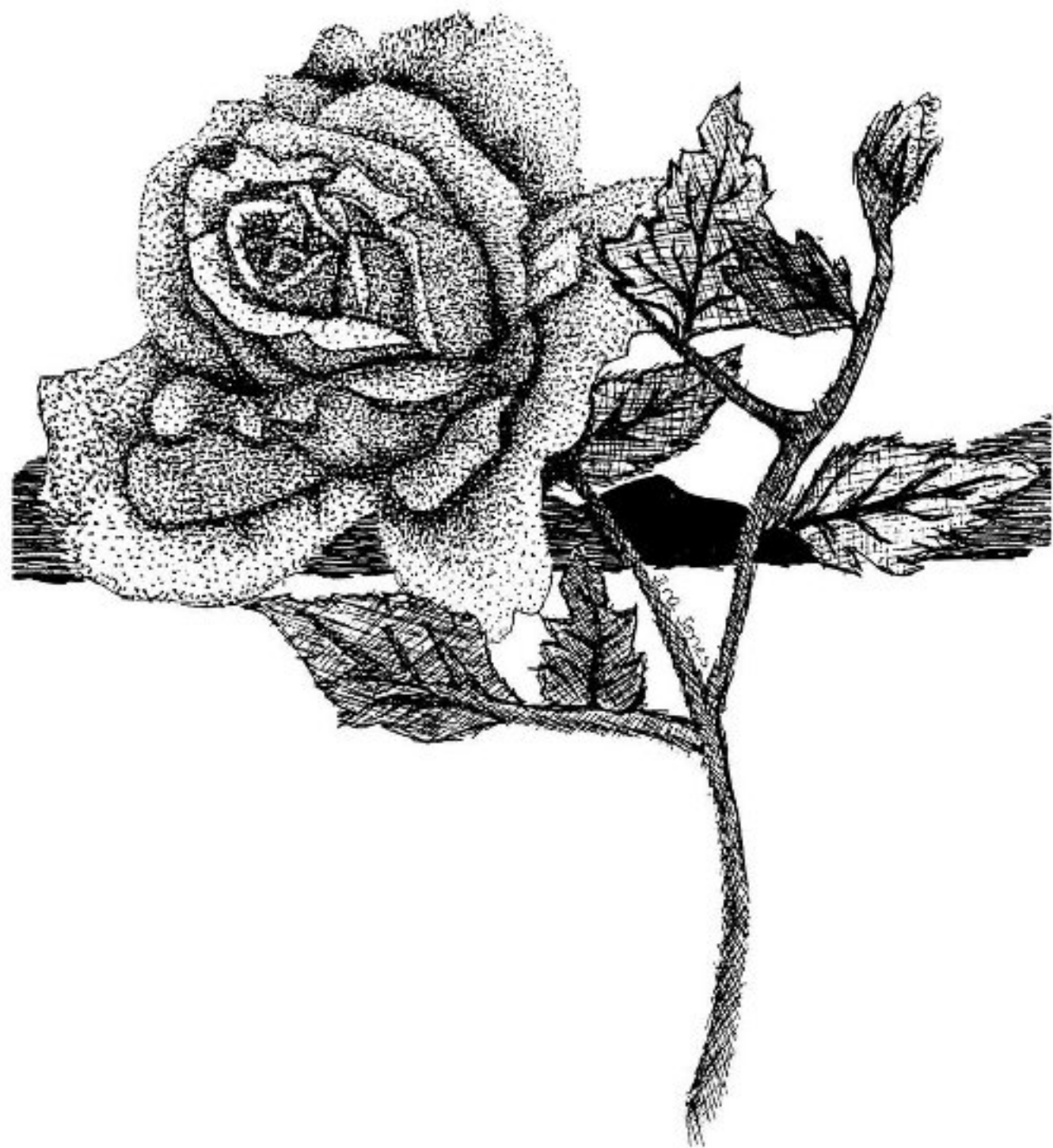
Lance Brenton

Assistant General Counsel

Texas Board of Nursing

Filed: July 8, 2013





The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Texas Department of Agriculture

Notice of Extension of Deadline for Applications: Survey of Texas Rural and Agricultural Workforce Grant

The Texas Department of Agriculture (TDA) has extended the deadline for submitting applications for the Survey of Texas Rural and Agricultural Workforce Grant, published in the July 5, 2013, issue of the *Texas Register* (38 TexReg 4417). **The deadline for submitting applications has been extended to July 24, 2013.** The performance reporting deadlines originally proposed will also be amended. Please refer to TDA's website at www.TexasAgriculture.gov, Grants Office section, Grants and Services tab, for additional details and deadlines.

TRD-201302856
Dolores Alvarado Hibbs
General Counsel
Texas Department of Agriculture
Filed: July 10, 2013

Office of the Attorney General

Announcement of Adjustment Required by Texas Family Code §154.125

Effective September 1, 2013 the guidelines for the support of a child apply to situations in which the obligor's monthly net resources are not greater than \$8,550.

Texas Family Code §154.125 (in part):

"APPLICATION OF GUIDELINES TO NET RESOURCES. (a) The guidelines for the support of a child in this section are specifically designed to apply to situations in which the obligor's monthly net resources are not greater than \$7,500 or the adjusted amount determined under Subsection (a-1), whichever is greater. (a-1) The dollar amount prescribed by Subsection (a) is adjusted every six years as necessary to reflect inflation. The Title IV-D agency shall compute the adjusted amount, to take effect beginning September 1 of the year of the adjustment, based on the percentage change in the consumer price index during the 72-month period preceding March 1 of the year of the adjustment, as rounded to the nearest \$50 increment. The Title IV-D agency shall publish the adjusted amount in the *Texas Register* before September 1 of the year in which the adjustment takes effect. For purposes of this subsection, "consumer price index" has the meaning assigned by §341.201, Finance Code. (a-2) The initial adjustment required by Subsection (a-1) shall take effect September 1, 2013. This subsection expires September 1, 2014."

Computation:

Month 72, February 2013, the designated CPI was 681.158

Month 1, March 2007, the designated CPI was 597.561

The CPI change was 83.597 (681.158 - 597.561 = 83.597)

the CPI increased by 13.9897% (83.597 ÷ 597.561 = 0.139897)

\$7,500 x 1.139897 = \$8,549.23

\$8,549.23 rounded to the nearest \$50 increment is \$8,550

TRD-201302812
Katherine Cary
General Counsel
Office of the Attorney General
Filed: July 8, 2013

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §§303.003, 303.005, and 303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/15/13 - 07/21/13 is 18% for Consumer¹/Agricultural/Commercial² credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 07/15/13 - 07/21/13 is 18% for Commercial over \$250,000.

¹ Credit for personal, family or household use.

² Credit for business, commercial, investment or other similar purpose.

TRD-201302811
Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner
Filed: July 8, 2013

Texas Education Agency

Public Notice Announcing the Availability of Waiver Requests Under the American Recovery and Reinvestment Act (ARRA) of 2009

Purpose and Scope of the Waiver Requests. The American Recovery and Reinvestment Act (ARRA) of 2009 provided significant funding for school improvement grants (SIG) under the Elementary and Secondary Education Act of 1965 (ESEA), Title I, Section 1003(g). Specifically, the ARRA provided \$3 billion in additional fiscal year 2009 Title I, Part A, funds to local educational agencies (LEAs) for schools that have been identified as persistently lowest achieving according to the final regulations released by the U.S. Department of Education (USDE). On May 13, 2013, the USDE invited states to apply for a waiver with respect to SIG funding to extend the period of funding availability.

Specifically, the Texas Education Agency (TEA) will apply for waiver requests on behalf of Texas LEAs to waive the General Education Provisions Act (20 U.S.C. Section 1225(b)), Section 421(b), to extend the period of availability of school improvement funds for the state and all of its eligible LEAs to September 30, 2014.

The proposed requested waiver will allow eligible LEAs that receive a Title I Priority Schools Grant to use those funds in accordance with

the final requirements for SIGs and the LEA's application for a grant. The waivers will increase the quality of instruction for students and improve the academic achievement of students in eligible schools by enabling an LEA to use more effectively the school improvement funds to implement one of the four school intervention models in its Tier I or Tier II schools.

Texas must ensure in the waiver request that the state has met or will meet all of the eligibility requirements outlined by the USDE and authorized in statute under the ESEA, Section 9401.

Further Information. For more information, contact Shayna Sheehan with the TEA Division of NCLB School Improvement and Support by mail at 1701 North Congress Avenue, Austin, Texas 78701; by telephone at (512) 463-2617; or by email at nclbtips@tea.state.tx.us.

TRD-201302851

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Filed: July 10, 2013

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **August 19, 2013**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on August 19, 2013**. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in **writing**.

(1) COMPANY: Afzal Shekhani dba Adams Plaza; DOCKET NUMBER: 2013-0664-PWS-E; IDENTIFIER: RN101283448; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.109(c)(2)(F), by failing to collect at least five routine distribution coliform samples the month following a coliform-positive sample result for the month of

December 2012; 30 TAC §290.109(c)(4)(B), by failing to collect one raw groundwater source *Escherichia coli* sample from the facility's well within 24 hours of notification of a distribution total coliform-positive during the month of November 2012; 30 TAC §290.106(e), by failing to report the results of annual nitrate/nitrite monitoring to the executive director for the 2011 and 2012 monitoring periods; and 30 TAC §290.51(a)(6) and TWC, §5.702, by failing to pay all annual Public Health Service fees and associated late fees for TCEQ Financial Administration Account Number 91012155 for Fiscal Years 1995 - 2013; PENALTY: \$631; ENFORCEMENT COORDINATOR: Jim Fisher, (512) 239-2537; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(2) COMPANY: AKZO NOBEL POLYMER CHEMICALS LLC; DOCKET NUMBER: 2013-0295-AIR-E; IDENTIFIER: RN104262704; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; RULE VIOLATED: 30 TAC §116.115(b) and §122.143(4), Permit Number 9692, General Condition Number 1, Federal Operating Permit Number O3334, General Terms and Conditions and Special Terms and Conditions Number 18, and Texas Health and Safety Code, §382.085(b), by failing to maintain a minimum of 99% volatile organic compound removal efficiency for the scrubber, Emission Point Number PPC-N-35; PENALTY: \$15,750; ENFORCEMENT COORDINATOR: Kimberly Morales, (713) 422-8938; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(3) COMPANY: Amirali Makojoia dba Doc's Country Store; DOCKET NUMBER: 2012-2434-PST-E; IDENTIFIER: RN104990957; LOCATION: Elgin, Bastrop County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tank (UST) for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) and by failing to provide release detection for the pressurized piping associated with the UST system; 30 TAC §334.49(a)(1) and TWC, §26.3475(d), by failing to provide corrosion protection for the UST system; 30 TAC §37.815(a) and (b), by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum UST; and 30 TAC §334.10(b), by failing to maintain UST records and making them immediately available for inspection upon request by agency personnel; PENALTY: \$9,821; ENFORCEMENT COORDINATOR: Mike Pace, (817) 588-5933; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, (512) 339-2929.

(4) COMPANY: City of Jasper; DOCKET NUMBER: 2013-0343-MLM-E; IDENTIFIER: RN102142874; LOCATION: Jasper, Jasper County; TYPE OF FACILITY: transfer station; RULE VIOLATED: 30 TAC §305.70(a) and §330.201(b), by failing to submit a permit modification application to incorporate the 2006 rule revisions to 30 TAC Chapter 330; 30 TAC §324.7(3)(B) and Texas Health and Safety Code, §371.024(b)(1) and 40 Code of Federal Regulations §279.31(b)(2), by failing to register as a used oil collection center; and 30 TAC §§330.231, 330.221, and 305.125(1) and Municipal Solid Waste Permit Number 40044, Section 2 C(ii) and (iv)(b), Attachments 8(i), (iii)(a), and (v)(b), by failing to comply with the approved Site Operating Plan; PENALTY: \$4,975; Supplemental Environmental Project offset amount of \$3,980 applied to Angelina Beautiful Clean - Household Hazardous Waste Collection; ENFORCEMENT COORDINATOR: Mike Pace, (817) 588-5933; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(5) COMPANY: D & D Global, Incorporated dba Cowboy Food Mart; DOCKET NUMBER: 2013-0361-PST-E; IDENTIFIER: RN105001580; LOCATION: Walnut Springs, Bosque County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §37.815(a) and (b), by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of a petroleum underground storage tank (UST); 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the UST for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) and by failing to provide release detection for the pressurized piping associated with the UST system; and 30 TAC §334.10(b)(1)(B), by failing to maintain UST records and making them immediately available for inspection upon request by agency personnel; PENALTY: \$6,131; ENFORCEMENT COORDINATOR: Brianna Carlson, (956) 430-6021; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(6.) COMPANY: Diamond Shamrock Refining Company, L.P.; DOCKET NUMBER: 2013-0368-AIR-E; IDENTIFIER: RN100210517; LOCATION: Sunray, Moore County; TYPE OF FACILITY: petroleum refinery; RULE VIOLATED: 30 TAC §§101.20(1) and (3), 116.115(c) and 122.143(4), Texas Health and Safety Code (THSC), §382.085(b), 40 Code of Federal Regulations §60.18(f)(2), New Source Review Permit Numbers 9708 and PSDTX861M2, Special Conditions Number 12B, and Federal Operating Permit Number 01555, Special Terms and Conditions Number 14, by failing to continuously monitor the pilot flame for the Waste Water Flare, Emission Point Number FL-6, on August 24, 2011, October 6, 2011, November 5, 2011, December 13, 2011, February 22, 2012, April 12, 2012, May 26, 2012, June 19, 2012, and June 23, 2012; and 30 TAC §106.511 and THSC, §382.085(b), by failing to limit the operation of a temporary engine to 10% of the normal annual operating schedule; PENALTY: \$34,388; Supplemental Environmental Project offset amount of \$13,755 applied to Borger Independent School District (ISD) - Borger ISD Clean School Bus Replacement Program; ENFORCEMENT COORDINATOR: Heather Podlipny, (512) 239-2603; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(7) COMPANY: Escondido Resources II, LLC; DOCKET NUMBER: 2013-0456-AIR-E; IDENTIFIER: RN106585003; LOCATION: Tilden, McMullen County; TYPE OF FACILITY: compressor station; RULE VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code (THSC), §382.0518(a) and §382.085(b), by failing to obtain authorization to construct and operate a source of air emissions; and 30 TAC §106.492(1)(B) and THSC, §382.085(b), by failing to have the flare equipped with a continuously burning pilot or other automatic ignition system; PENALTY: \$2,500; ENFORCEMENT COORDINATOR: Katie Hargrove, (512) 239-2569; REGIONAL OFFICE: 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(8) COMPANY: HUFFSMITH-KOHRVILLE, INCORPORATED; DOCKET NUMBER: 2013-0162-MWD-E; IDENTIFIER: RN101526044; LOCATION: Tomball, Harris County; TYPE OF FACILITY: wastewater treatment plant; RULE VIOLATED: 30 TAC §§217.152(i), 217.153(a), 217.281(b)(2), and 305.125(1) and (5), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0014923001, Operational Requirements (OR) Number 1, by failing to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained; TWC, §26.121(a)(1) and §305.125(1), and TPDES Permit Number WQ0014923001, Effluent Limitations and Monitoring Requirements

Number 2, by failing to comply with permitted effluent limits; 30 TAC §§217.33(c)(1) and (2)(C), 305.125(1), and 319.11(d), and TPDES Permit Number WQ0014923001, OR Number 5, by failing to provide a primary flow measuring device; 30 TAC §217.328(a) and (c), by failing to secure the facility with an intruder-resistant fence; 30 TAC §217.59(b)(2) and (3), by failing to secure the off-site lift station with an intruder-resistant fence; 30 TAC §305.125(1) and §319.7(d) and TPDES Permit Number WQ0014923001, Monitoring and Reporting Requirements Number 1, by failing to timely submit effluent monitoring results as specified in the permit; 30 TAC §305.125(1) and (11)(a) and §319.5(b) and TPDES Permit Number WQ0014923001, Monitoring and Reporting Requirements Number 1, by failing to monitor effluent at the frequency specified in the permit; 30 TAC §305.125(1) and (5), and TPDES Permit Number WQ0014923001, OR Number 1, by failing to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained; 30 TAC §§217.279(a), 217.282, 305.125(1) and (5), and TPDES Permit Number WQ0014923001, OR Number 1, by failing to install an approved disinfection system; 30 TAC §217.6(c), and §305.125(1) and TPDES Permit Number WQ0014923001, Other Requirements Number 8, by failing to submit to the TCEQ Wastewater Permitting Section a summary transmittal letter for the facility within 60 days from the date of permit issuance; 30 TAC §305.44(a) and §305.128(a), by failing to submit a Discharge Monitoring Report Address and Signatory Authority Update Form; 30 TAC §217.33(c)(4)(A), by failing to provide a secondary flow measurement device; 30 TAC §217.63(b), by failing to provide the required alarm system; 30 TAC §217.121(a), by failing to provide a coarse screening device; and 30 TAC §217.152(h)(1), by failing to provide a hopper bottom clarifier with mechanical sludge collection equipment; PENALTY: \$19,288; ENFORCEMENT COORDINATOR: Christopher Bost, (512) 239-4575; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(9) COMPANY: Jianco, Incorporated dba Family Mart Express Shell; DOCKET NUMBER: 2013-0428-PST-E; IDENTIFIER: RN102023603; LOCATION: Arlington, Tarrant County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$6,750; ENFORCEMENT COORDINATOR: Jason Fraley, (512) 239-2552; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(10) COMPANY: John Twain Wright; DOCKET NUMBER: 2012-2106-MSW-E; IDENTIFIER: RN103147575; LOCATION: Winters, Runnels County; TYPE OF FACILITY: unauthorized disposal; RULE VIOLATED: 30 TAC §330.15(c), by failing to prevent the unauthorized disposal of municipal solid waste; and 30 TAC §330.15(c), by failing to prevent the unauthorized disposal of scrap tires and scrap tire pieces; PENALTY: \$33,750; ENFORCEMENT COORDINATOR: Mike Pace, (817) 588-5933; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(11) COMPANY: Juan Felipe Galvez; DOCKET NUMBER: 2013-0200-AIR-E; IDENTIFIER: RN106576234; LOCATION: San Angelo, Tom Green County; TYPE OF FACILITY: dry blast cleaning and tank interior coating operation; RULE VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code, §382.0518(a) and §382.085(b), by failing to obtain authorization for air emissions prior to conducting outside dry abrasive blasting operations and non-enclosed tank interior coating; PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Heather Podlipny, (512) 239-2603; REGIONAL

OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7013, (325) 655-9479.

(12) COMPANY: Laddie Machacek dba Bill Holley Centre; DOCKET NUMBER: 2013-0514-PWS-E; IDENTIFIER: RN101202943; LOCATION: Pearland, Brazoria County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.109(c)(2)(A)(i) and §290.122(c)(2)(B) and Texas Health and Safety Code, §341.033(d), by failing to collect routine distribution water samples for coliform analysis for the months of April 2012 and October 2012 and by failing to provide public notification for the failure to collect routine distribution water samples for the month of April 2012; 30 TAC §290.106(e), by failing to provide the results of annual nitrate/nitrite sampling to the executive director for the 2011 and 2012 reporting periods; 30 TAC §290.107(e) and §290.113(e), by failing to provide the results of triennial volatile organic chemical contaminants and Stage 1 disinfectant byproducts sampling to the executive director; and 30 TAC §290.106(e), by failing to provide the results of sexennial cyanide sampling to the executive director for the reporting period from January 1, 2006 - December 31, 2011; PENALTY: \$664; ENFORCEMENT COORDINATOR: Katy Schumann, (512) 239-2602; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(13) COMPANY: Motiva Enterprises LLC; DOCKET NUMBER: 2012-2014-MLM-E; IDENTIFIER: RN100209451; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: petrochemical manufacturing plant; RULE VIOLATED: TWC, §26.121(a)(1), 30 TAC §335.4(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0000414000, Permit Conditions Number 2.g, by failing to prevent the unauthorized discharge of industrial waste; TWC, §26.121(a)(1), 30 TAC §305.125(1), and TPDES Permit Number WQ0000414000, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with the permitted effluent limitations; and 30 TAC §305.125(1) and (5), and TPDES Permit Number WQ0000414000, Operational Requirements Number 1, by failing to ensure that all systems of collection, treatment, and disposal are properly operated and maintained; PENALTY: \$60,775; Supplemental Environmental Project offset amount of \$24,310 applied to Jefferson County - Cheek Community First Time Sewer Service for Low Income Home Owners; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(14) COMPANY: Municipal Golf Association - SA; DOCKET NUMBER: 2013-0600-PST-E; IDENTIFIER: RN102355146; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: fleet refueling; RULE VIOLATED: 30 TAC §37.815(a) and (b), by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks; PENALTY: \$2,000; ENFORCEMENT COORDINATOR: David Carney, (512) 239-2583; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(15) COMPANY: NORWOOD WATER SUPPLY CORPORATION; DOCKET NUMBER: 2013-0627-PWS-E; IDENTIFIER: RN101253250; LOCATION: Palestine, Anderson County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.45(b)(1)(D)(iv) and Texas Health and Safety Code, §341.0315(c), by failing to provide an elevated storage capacity of 100 gallons per connection; and 30 TAC §290.44(d) and §290.46(r), by failing to provide a minimum pressure of 35 pounds per square inch (psi) throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting; PENALTY:

\$160; ENFORCEMENT COORDINATOR: Katy Schumann, (512) 239-2602; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(16) COMPANY: NTA ENTERPRISES, INCORPORATED dba Lucky 7 Quick Stop 3; DOCKET NUMBER: 2013-0623-PST-E; IDENTIFIER: RN101536084; LOCATION: Corsicana, Navarro County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Elvia Maske, (512) 239-0789; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(17) COMPANY: Om and Bros, LLC dba Green Valley Pitt Stop; DOCKET NUMBER: 2013-0079-PST-E; IDENTIFIER: RN100740752; LOCATION: Aubrey, Denton County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$3,000; ENFORCEMENT COORDINATOR: Joel McAlister, (512) 239-2619; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(18) COMPANY: PARK WEST CLEANERS, L.P.; DOCKET NUMBER: 2012-1714-DCL-E; IDENTIFIER: RN103951851; LOCATION: Plano, Collin County; TYPE OF FACILITY: dry cleaning; RULE VIOLATED: 30 TAC §337.11(e) and Texas Health and Safety Code, §374.102, by failing to renew the facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility; 30 TAC §337.20(e)(3)(A), by failing to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater; 30 TAC §337.20(e)(6)(B), by failing to maintain weekly inspection logs of each secondary containment structure at the facility to ensure that it has not been damaged; and 30 TAC §337.70(b), by failing to maintain dry cleaner records for five years; PENALTY: \$6,938; ENFORCEMENT COORDINATOR: Mike Pace, (817) 588-5933; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(19) COMPANY: PATISU MARKETING, INCORPORATED dba Pops Quick Stop; DOCKET NUMBER: 2013-0336-PST-E; IDENTIFIER: RN102761608; LOCATION: Comanche, Comanche County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.49(a)(1) and TWC, §26.3475(d), by failing to provide corrosion protection for the underground storage tank (UST) system; 30 TAC §334.50(b)(2) and TWC, §26.3475(a), by failing to provide release detection for the pressurized piping associated with the UST system; and 30 TAC §334.10(b)(1)(B), by failing to maintain UST records and making them immediately available for inspection upon request by agency personnel; PENALTY: \$7,630; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(20) COMPANY: Port Mansfield Public Utility District and Willacy County Navigation District; DOCKET NUMBER: 2013-0451-MWD-E; IDENTIFIER: RN103124335; LOCATION: Raymondville, Willacy County; TYPE OF FACILITY: wastewater treatment plant; RULE VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010682003, Effluent Limitations and

Monitoring Requirements Number 1, by failing to comply with permitted effluent limits; and 30 TAC §319.1 and TPDES Permit Number WQ0010682003, Monitoring and Reporting Requirements Number 1, by failing to submit complete and accurate discharge monitoring reports; PENALTY: \$3,300; ENFORCEMENT COORDINATOR: Lanae Foard, (512) 239-2554; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(21) COMPANY: SAINT-GOBAIN CERAMICS & PLASTICS, INCORPORATED; DOCKET NUMBER: 2013-0294-AIR-E; IDENTIFIER: RN100213859; LOCATION: Bryan, Brazos County; TYPE OF FACILITY: ceramics plant; RULE VIOLATED: 30 TAC §116.115(c), Texas Health and Safety Code (THSC), §382.085(b), and New Source Review Permit Number 20006, Special Conditions Number 9.A, by failing to maintain daily records; and 30 TAC §122.145(2)(C), THSC, §382.085(b), and Federal Operating Permit Number O2804, General Terms and Conditions, by failing to submit a semi-annual deviation report within 30 days after the end of the reporting period; PENALTY: \$8,063; ENFORCEMENT COORDINATOR: Amancio R. Gutierrez, (512) 239-3921; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(22) COMPANY: Sandra L. Phelps dba AVERY 7-11, INCORPORATED; DOCKET NUMBER: 2013-0495-PST-E; IDENTIFIER: RN102956828; LOCATION: Avery, Red River County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tank (UST) for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) and by failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$3,879; ENFORCEMENT COORDINATOR: John Fennell, (512) 239-2616; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(23) COMPANY: Shintech, Incorporated; DOCKET NUMBER: 2013-0470-AIR-E; IDENTIFIER: RN100213198; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: polyvinyl chloride resins production plant; RULE VIOLATED: 30 TAC §116.110(a) and §122.143(4), Texas Health and Safety Code, §382.0518(a) and §382.085(b), and Federal Operating Permit Number O1361, General Terms and Conditions, by failing to obtain authorization to construct and operate a source of air emissions; PENALTY: \$45,000; ENFORCEMENT COORDINATOR: Rachel Bekowies, (512) 239-2608; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(24) COMPANY: Shivam Ramam Ventures, LLC dba Airline Express and Suresh Pruthi dba Airline Express; DOCKET NUMBER: 2013-0448-PST-E; IDENTIFIER: RN101847093; LOCATION: Victoria, Victoria County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tank (UST) for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) and by failing to provide proper release detection for the pressurized piping associated with the UST system; PENALTY: \$3,501; ENFORCEMENT COORDINATOR: David Carney, (512) 239-2583; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(25) COMPANY: SOUTHWEST UNIVERSAL, INCORPORATED dba Unique Food Mart; DOCKET NUMBER: 2013-0527-PST-E; IDENTIFIER: RN103023230; LOCATION: Galveston, Galveston County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks

for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$3,375; ENFORCEMENT COORDINATOR: Jason Fraley, (512) 239-2552; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(26) COMPANY: SRZ TEXAS ENTERPRISES, LLC dba Kerens Quik Stop; DOCKET NUMBER: 2013-0383-PST-E; IDENTIFIER: RN101546703; LOCATION: Kerens, Navarro County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tanks (USTs) for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) and by failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$3,879; ENFORCEMENT COORDINATOR: Rebecca Boyett, (512) 239-2503; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(27) COMPANY: Stephen Paul Krebs; DOCKET NUMBER: 2012-1525-MWD-E; IDENTIFIER: RN103124350; LOCATION: Crosby, Harris County; TYPE OF FACILITY: domestic wastewater treatment plant; RULE VIOLATED: 30 TAC §305.125(1) and (17) and §319.1, and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0012691001, Monitoring and Reporting Requirements Number 1, by failing to timely submit the discharge monitoring reports for the monitoring periods ending November 30, 2011 - March 31, 2012 by the 20th day of the following month; and 30 TAC §305.125(17) and TPDES Permit Number WQ0012691001, Sludge Provisions, by failing to timely submit a complete annual sludge report for the monitoring period ending July 31, 2011 by the September 1, 2011 due date; PENALTY: \$1,725; ENFORCEMENT COORDINATOR: Nick Nevid, (512) 239-2612; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(28) COMPANY: TAYLOR MORRISON OF TEXAS, INCORPORATED; DOCKET NUMBER: 2013-0268-WQ-E; IDENTIFIER: RN106219660; LOCATION: Austin, Travis County; TYPE OF FACILITY: construction site; RULE VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge storm water associated with construction activities; PENALTY: \$813; ENFORCEMENT COORDINATOR: Christopher Bost, (512) 239-4575; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, (512) 339-2929.

(29) COMPANY: THE MUSTANG VALLEY WATER SUPPLY CORPORATION; DOCKET NUMBER: 2013-0713-PWS-E; IDENTIFIER: RN101457620; LOCATION: Cranfills Gap, Bosque County; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.46(d)(2)(A) and §290.110(b)(4) and Texas Health and Safety Code, §341.0315(c), by failing to operate the disinfection equipment to maintain a disinfectant residual of at least 0.2 milligrams per liter of free chlorine throughout the distribution system at all times; PENALTY: \$50; ENFORCEMENT COORDINATOR: Jim Fisher, (512) 239-2537; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(30) COMPANY: The Walsh Business Enterprises, LLC dba Sofie Food Mart; DOCKET NUMBER: 2013-0270-PST-E; IDENTIFIER: RN101431591; LOCATION: Rosenberg, Fort Bend County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$3,450; ENFORCEMENT COORDINATOR: Theresa Stephens, (512) 239-2540; REGIONAL

OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(31) COMPANY: Total Petrochemicals & Refining USA, Incorporated; DOCKET NUMBER: 2013-0298-AIR-E; IDENTIFIER: RN102457520; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: petrochemical refinery; RULE VIOLATED: 30 TAC §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), Texas Health and Safety Code (THSC), §382.085(b), Federal Operating Permit (FOP) Number O1267, General Terms and Conditions and Special Terms and Conditions (STC) Number 27, and New Source Review (NSR) Permit Numbers 46396, PSDTX1073M2 and N044, Special Conditions (SC) Number 1, by failing to prevent unauthorized emissions; 30 TAC §§101.20(3), 116.115(b)(2)(F) and (c), and 122.143(4), THSC, §382.085(b), NSR Permit Numbers 20381, PSDTX1005, and N044, SC Number 1, and FOP Number O1267, STC Numbers 1.A. and 29, by failing to prevent unauthorized emissions; and 30 TAC §§101.20(3), 116.115(c), and 122.143(4), THSC, §382.085(b), NSR Permit Numbers 46396, PSDTX1073M1, and N044, SC Number 1, and FOP Number O1267, STC Number 29, by failing to prevent unauthorized emissions during an emissions event; PENALTY: \$21,188; Supplemental Environmental Project offset amount of \$8,475 applied to Southeast Texas Regional Planning Commission - Southeast Texas Regional Air Monitoring Network Ambient Air Monitoring Station; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(32) COMPANY: Traders Village, Ltd.; DOCKET NUMBER: 2013-0494-PST-E; IDENTIFIER: RN102385853; LOCATION: Grand Prairie, Tarrant County; TYPE OF FACILITY: recreational park with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$3,000; ENFORCEMENT COORDINATOR: David Carney, (512) 239-2583; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(33) COMPANY: United States Border Patrol; DOCKET NUMBER: 2013-0212-PST-E; IDENTIFIER: RN100811132; LOCATION: EL Paso, El Paso County; TYPE OF FACILITY: fleet refueling; RULE VIOLATED: 30 TAC §334.49(a)(1) and TWC, §26.3475(d), by failing to provide proper corrosion protection for the underground storage tank system; PENALTY: \$2,438; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1206, (915) 834-4949.

(34) COMPANY: Waco Paving, Incorporated; DOCKET NUMBER: 2013-0371-PST-E; IDENTIFIER: RN101662336; LOCATION: Waco, McLennan County; TYPE OF FACILITY: fleet refueling; RULE VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tank (UST) for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) and by failing to provide proper release detection for the pressurized piping associated with the UST system; PENALTY: \$3,505; ENFORCEMENT COORDINATOR: David Carney, (512) 239-2583; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(35) COMPANY: WAZ INVESTMENTS, INCORPORATED dba Franky's; DOCKET NUMBER: 2013-0429-PST-E; IDENTIFIER: RN101668796; LOCATION: Hubbard, Hill County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by

failing to monitor the underground storage tanks (USTs) for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); and 30 TAC §334.49(a)(1) and TWC, §26.3475(d), by failing to provide corrosion protection for the UST system; PENALTY: \$7,500; ENFORCEMENT COORDINATOR: Jason Fraley, (512) 239-2552; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(36) COMPANY: William Hutchinson dba Crossroads Convenience Store; DOCKET NUMBER: 2013-0467-PST-E; IDENTIFIER: RN101866010; LOCATION: Paducah, Cottle County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(2) and TWC, §26.3475(a), by failing to provide release detection for the pressurized piping associated with the underground storage tank system; PENALTY: \$6,127; ENFORCEMENT COORDINATOR: Elvia Maske, (512) 239-0789; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(37) COMPANY: Wood Wind Square, Ltd.; DOCKET NUMBER: 2013-0317-PST-E; IDENTIFIER: RN101827277; LOCATION: Houston, Harris County; TYPE OF FACILITY: underground storage tank (UST) system with two out-of-service USTs; RULE VIOLATED: 30 TAC §334.7(d)(3), by failing to notify the agency of any change or additional information regarding the USTs within 30 days of the occurrence of the change or addition; 30 TAC §334.47(a)(2) and §334.54(b)(2), by failing to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, an UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements and by failing to maintain all piping, pumps, manways, tank access points, and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons; PENALTY: \$9,900; ENFORCEMENT COORDINATOR: Danielle Porras, (713) 767-3682; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(38) COMPANY: Zapata County; DOCKET NUMBER: 2013-0273-MWD-E; IDENTIFIER: RN104459573; LOCATION: Zapata, Zapata County; TYPE OF FACILITY: wastewater treatment plant; RULE VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010462002, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limits; 30 TAC §305.125(1) and (17) and §319.7(d) and TPDES Permit Number WQ0010462002, Monitoring and Reporting Requirements Number 1, by failing to timely submit monitoring results at the intervals specified in the permit; 30 TAC §305.125(1) and (17) and TPDES Permit Number WQ0010462002, Sludge Provisions, by failing to timely submit the annual sludge report for the monitoring period ending July 31, 2012, by September 30, 2012; and 30 TAC §21.4 and TWC, §5.702, by failing to pay outstanding Consolidated Water Quality Assessment fees and associated late fees for Account Numbers 23006369 and 23002042 for Fiscal Year 2013; PENALTY: \$6,162; ENFORCEMENT COORDINATOR: Heather Brister, (254) 761-3034; REGIONAL OFFICE: 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(39) COMPANY: Zarina & Javed Corporation dba A & B Kwik Mart; DOCKET NUMBER: 2012-2595-PST-E; IDENTIFIER: RN101842920; LOCATION: Hallsville, Harrison County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.49(a)(1) and TWC, §26.3475(d), by failing to provide corrosion protection for the underground storage tank system; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Thomas

Greimel, (512) 239-5690; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

TRD-201302819

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: July 9, 2013



Correction of Error

The Texas Commission on Environmental Quality (TCEQ) proposed an amendment to 30 TAC §336.1115 in the July 5, 2013, issue of the *Texas Register* (38 TexReg 4300). In four errors in the rule text, the superscript "2" appeared as a subscript.

On page 4303, §336.1115(e)(1), "m₂" should be "m²". The corrected text reads as follows:

"(1) The concentration of radium-226 or radium-228 (in the case of thorium by-product material) in soil, averaged over any 100 square meters (m²), may not exceed the background level by more than:"

Also on page 4303, §336.1115(e)(3), "100 m₂ area" should be "100 m² area". The corrected text reads as follows:

"(3) ...If more than one residual radionuclide is present in the same 100 m² area, the sum of the ratios for each radionuclide of concentration present to the calculated radium benchmark dose equivalent concentration limits will not exceed "1" (unity)...."

Also on page 4303, in subsection (e)(3) that is bracketed for deletion, "100 m₂" should be "100m²".

On page 4305, in §336.1115(q)(2)(A)(ii), "cm₂" should be "cm²". The corrected text should read as follows:

"(ii) radioactivity, including alpha and beta, in units of disintegrations per minute (dpm) or microcuries (μCi) (megabecquerels (MBq)) per 100 [square centimeters {cm²}] for surfaces;"

TRD-201302850



Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **August 19, 2013**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on August 19, 2013**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075 provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Absolutely Outdoors, Ltd. and TERRA TEXAS LAND COMPANY, LLC d/b/a Seber Lane Recycling Center; DOCKET NUMBER: 2013-0246-MSW-E; TCEQ ID NUMBER: RN105659361; LOCATION: 8813 Seber Drive, Tomball, Harris County; TYPE OF FACILITY: wood mulching facility; RULES VIOLATED: 30 TAC §330.15(c), by failing to prevent the unauthorized disposal of municipal solid waste; PENALTY: \$9,375; STAFF ATTORNEY: Phillip M. Goodwin, Litigation Division, MC 175, (512) 239-0675; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: SABRINA REALTY, INC.; DOCKET NUMBER: 2012-2724-PST-E; TCEQ ID NUMBER: RN102223138; LOCATION: 3635 Aldine Mail Road, Houston, Harris County; TYPE OF FACILITY: underground storage tank (UST) system and convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$4,875; STAFF ATTORNEY: Rebecca M. Combs, Litigation Division, MC 175, (512) 239-6939; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: Sam's Truck Stop Business, Inc.; DOCKET NUMBER: 2012-2082-MLM-E; TCEQ ID NUMBER: RN101377620; LOCATION: Interstate Highway 10 West, 20 miles east of Van Horn, Culberson County; TYPE OF FACILITY: public water system (PWS); RULES VIOLATED: 30 TAC §285.34(e) and TCEQ AO Docket Number 2009-0252-MLM-E, Ordering Provision Numbers 2.b.v. and 2.h., by failing to provide a holding tank constructed according to the requirements established for septic tanks under 30 TAC §285.32(b)(1)(D) and (E); 30 TAC §285.37(b)(2)(B)(i), by failing to ensure that back flush from a point-of-entry reverse osmosis system does not cause hydraulic overloading prior to discharge into an On-Site Sewage Facility; 30 TAC §290.41(c)(3)(K), by failing to properly seal the wellhead with a gasket or sealing compound; 30 TAC §290.41(c)(3)(O), by failing to enclose the well at the PWS facility with an intruder-resistant fence with a lockable gate or a locked and ventilated well house; and 30 TAC §290.42(e)(2), by failing to ensure that all groundwater is disinfected prior to distribution; PENALTY: \$36,234; STAFF ATTORNEY: Steven M. Fishburn, Litigation Division, MC 175, (512) 239-0635; REGIONAL OFFICE: El Paso Regional Office, 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1212, (915) 834-4949.

(4) COMPANY: Superior Crude Gathering, Inc.; DOCKET NUMBER: 2012-0945-AIR-E; TCEQ ID NUMBER: RN102510088; LOCATION: 1472 Farm-to-Market Road 2725, Ingleside, San Patricio County; TYPE OF FACILITY: bulk crude storage and transportation terminal; RULES VIOLATED: Texas Health and Safety Code, §382.085(b) and 30 TAC §116.110(a)(4) and §106.261(a)(2), and Permit-by-Rule Registration Number 80119, by failing to prevent unauthorized emissions; PENALTY: \$215,600; Supplemental Envi-

ronmental Project offset amount of \$107,800. Of the offset amount, \$59,058 is applied to *AutoCheck* in Aransas, Bee, Brooks, Calhoun, Dewitt, Duval, Goliad, Jackson, Jim Wells, Kenedy, Kleberg, Lavaca, Live Oak, McMullen, Nueces, Refugio, San Patricio, and Victoria Counties, and \$48,742 is applied to Alternative Fuels Clean School Bus Replacement Program, Nueces County; 214 Corpus Christi-Victoria Air Region; STAFF ATTORNEY: Jennifer Cook, Litigation Division, MC 175, (512) 239-1873; REGIONAL OFFICE: Corpus Christi Regional Office, NRC Building, Suite 1200, 6300 Ocean Drive, Unit 5839, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(5) COMPANY: TEXAS GREENMARK INVESTMENTS, LLC d/b/a Country Food Store; DOCKET NUMBER: 2013-0606-PST-E; TCEQ ID NUMBER: RN101855674; LOCATION: 955 Clubside Drive, East Bernard, Wharton County; TYPE OF FACILITY: underground storage tank (UST) system and convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the UST for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); PENALTY: \$7,500; STAFF ATTORNEY: Joel Cordero, Litigation Division, MC 175, (512) 239-0672; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(6) COMPANY: TEXXCO-MART COMPANY, INCORPORATED; DOCKET NUMBER: 2013-0252-PST-E; TCEQ ID NUMBER: RN101761716; LOCATION: 9191 West Road, Houston, Harris County; TYPE OF FACILITY: underground storage tank (UST) system and convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(a) and 30 TAC §334.50(b)(2), by failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$2,567; STAFF ATTORNEY: Elizabeth Lieberknecht, Litigation Division, MC 175, (512) 239-0620; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-201302823

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: July 9, 2013



Notice of Opportunity to Comment on Shutdown/Default Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Shutdown/Default Orders (S/DOs). Texas Water Code (TWC), §26.3475 authorizes the commission to order the shutdown of any underground storage tank (UST) system found to be noncompliant with release detection, spill and overfill prevention, and/or, after December 22, 1998, cathodic protection regulations of the commission, until such time as the owner/operator brings the UST system into compliance with those regulations. The commission proposes a Shutdown Order after the owner or operator of a UST facility fails to perform required corrective actions within 30 days after receiving notice of the release detection, spill and overfill prevention, and/or, after December 22, 1998, cathodic protection violations documented at the facility. The commission proposes a Default Order when the staff has sent an executive director's preliminary report and petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; and the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. In accordance with TWC, §7.075, this notice of

the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **August 19, 2013**. The commission will consider any written comments received and the commission may withdraw or withhold approval of an S/DO if a comment discloses facts or considerations that indicate that consent to the proposed S/DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed S/DO is not required to be published if those changes are made in response to written comments.

Copies of each of the proposed S/DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the S/DO shall be sent to the attorney designated for the S/DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on August 19, 2013**. Written comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The commission attorneys are available to discuss the S/DOs and/or the comment procedure at the listed phone numbers; however, comments on the S/DOs shall be submitted to the commission in **writing**.

(1) COMPANY: ADKINS PROPANE, INC. dba Adkins Oil; DOCKET NUMBER: 2012-2124-PST-E; TCEQ ID NUMBER: RN104440938; LOCATION: 302 East Commerce Street, Crowell, Foard County; TYPE OF FACILITY: UST system and convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.8(c)(4)(A)(vii) and (5)(B)(ii), by failing to renew a delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date; TWC, §26.3467(a) and 30 TAC §334.8(c)(5)(A)(i), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs; 30 TAC §37.815(a) and (b), by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum USTs; TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); 30 TAC §334.72, by failing to report a suspected release to the TCEQ within 24 hours of discovery; and 30 TAC §334.74, by failing to investigate a suspected release of a regulated substance within 30 days of discovery; PENALTY: \$24,179; STAFF ATTORNEY: Jennifer Cook, Litigation Division, MC 175, (512) 239-1873; REGIONAL OFFICE: Abilene Regional Office, 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(2) COMPANY: Fuad Ahmad Bataineh d/b/a Reda Food Mart and d/b/a UDAY, INC; DOCKET NUMBER: 2012-2603-PST-E; TCEQ ID NUMBER: RN101912848; LOCATION: 4303 Old Spanish Trail, Houston, Harris County; TYPE OF FACILITY: UST system and convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(d) and 30 TAC §334.49(a)(1), by failing to provide corrosion protection for the UST system; TWC, §26.3475(a) and (c)(1), and 30 TAC §334.50(b)(1)(A) and (2), by failing to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), and failing to provide release detection for the pressurized piping associated with the UST system, by failing to conduct the annual piping tightness test; and 30 TAC §334.10(b), by failing to maintain UST records and make them immediately available for inspection upon request by agency person-

nel; PENALTY: \$8,881; STAFF ATTORNEY: Rebecca M. Combs, Litigation Division, MC 175, (512) 239-6939; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: Mohammad Danish Mohammad d/b/a Cleveland Food Mart; DOCKET NUMBER: 2012-2424-PST-E; TCEQ ID NUMBER: RN102719671; LOCATION: 610 East Houston Street, Cleveland, Liberty County; TYPE OF FACILITY: UST system and convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(d) and 30 TAC §334.49(a)(1), by failing to provide proper corrosion protection for the UST system; TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the UST system for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), and 30 TAC §334.10(b), by failing to maintain UST records and make them immediately available for inspection upon request by agency personnel; PENALTY: \$8,750; STAFF ATTORNEY: Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(4) COMPANY: MONA ENTERPRISES, INC. d/b/a Shop In Market; DOCKET NUMBER: 2012-2721-PST-E; TCEQ ID NUMBER: RN101782282; LOCATION: 5008 Aldine Bender Road, Houston, Harris County; TYPE OF FACILITY: UST system and convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); and TWC, §26.3475(a) and 30 TAC §334.50(b)(2), by failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$4,631; STAFF ATTORNEY: Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(5) COMPANY: QUALITY RETAIL SERVICES, INC. and WRIGHT JOSHUA INVESTMENTS, LLC, dba Breaktime 341; DOCKET NUMBER: 2012-2456-PST-E; TCEQ ID NUMBER: RN102425691; LOCATION: 1095 East Hidalgo Avenue, Raymondville, Willacy County; TYPE OF FACILITY: UST system and convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(d) and 30 TAC §334.49(a), by failing to provide proper corrosion protection for the UST system; TWC, §26.3475(c)(1) and 30 TAC §334.50(b)(1)(A), by failing to monitor the UST system for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); and 30 TAC §334.10(b), by failing to maintain UST records and make them immediately available for inspection upon request by agency personnel; PENALTY: \$9,625; STAFF ATTORNEY: Jennifer Cook, Litigation Division, MC 175, (512) 239-1873; REGIONAL OFFICE: Harlingen Regional Office, 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(6) COMPANY: RUBI & SONS STORE INC DBA Food Mart Shell; DOCKET NUMBER: 2012-0155-PST-E; TCEQ ID NUMBER: RN102959764; LOCATION: 622 West Garland Street, Grand Saline, Van Zandt County; TYPE OF FACILITY: UST system and convenience store with retail sales of gasoline; RULES VIOLATED: TWC, §26.3475(d) and 30 TAC §334.49(a)(1), by failing to provide proper corrosion protection for the UST system; TWC, §26.3475(a) and (c)(1), and 30 TAC §334.50(b)(1)(A) and (2), by failing to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), and failing to provide release detection for the piping associated with the USTs; and 30 TAC

§334.10(b), by failing to maintain the UST records and make them immediately available for inspection upon request by agency personnel; PENALTY: \$6,129; STAFF ATTORNEY: Tammy Mitchell, Litigation Division, MC 175, (512) 239-0736; REGIONAL OFFICE: Tyler Regional Office, 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

TRD-201302824

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: July 9, 2013



Notice of Public Meeting on the J.C. Pennco Waste Oil Service State Superfund Site

The executive director of the Texas Commission on Environmental Quality (TCEQ) is issuing this public notice of intent to take no further action at the J.C. Pennco Waste Oil Service State Superfund Site (Site) and to delete the Site from the Texas Superfund Registry. The Texas Superfund Registry is the list of state Superfund sites which may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment. The TCEQ is proposing this deletion because it has determined that the Site no longer presents such an endangerment. Remedial actions at the Site have been completed and based on the Remedial Action report; the chemicals of concern at the Site pose no significant present or future risk to humans or the environment based on residential land use. This notice was also published in the *San Antonio Express News* on July 19, 2013.

The Site was proposed for listing on the Texas Superfund Registry in the August 26, 1997, issue of the *Texas Register* (22 TexReg 8570). The Site, including all land, structures, appurtenances, and other improvements, is approximately five acres and is located at 4927 Higdon Road, outside the city limits of San Antonio, Bexar County, Texas. The Site also includes any areas where hazardous substances had come to be located as a result, either directly or indirectly, of releases of hazardous substances from the Site.

The Site operated from 1984 until April 1992. During this time, the Site received an unknown quantity of drums with used chemicals such as motor oil, antifreeze and solvents. Reportedly, most of the oil and other chemicals were sold for recycling. The drums were sold for use as livestock feeders, trash receptacles and barbecue pits. Contamination resulted at the Site from spills and discharges from the oil storage tanks and barrel cleaning activities. In May 1992, the Site owner filed for bankruptcy protection and the Site was abandoned.

During 1995 and 1996, in cooperation with the TCEQ and the San Antonio Water System, the United States Environmental Protection Agency (EPA) extended city water lines into the area. Additionally, the EPA removed approximately 4,000 drums, 120 cubic yards of soil and debris, 31,500 gallons of liquid wastes, and 23 tanks from the site to eliminate potential sources of surface and groundwater contamination. In November 1996, the EPA referred the J.C. Pennco Waste Oil Service site back to the state for further remedial action.

A remedial investigation was initiated for the Site in June 1998 and was completed in October 2002. The remedial investigation concluded that no chemicals of concern were found in the Site soil in excess of residential land use cleanup criteria. The shallow groundwater was found to contain cadmium, arsenic, benzene and vinyl chloride in excess of the appropriate cleanup levels in the shallow groundwater at the Site.

A February 2004 the Proposed Remedial Action Document (PRAD) concluded that a no further action scenario was appropriate for the soil at the Site, and proposed monitored natural attenuation as the cleanup alternative for the shallow groundwater at the Site.

The TCEQ issued a Final Administrative Order in August 2004 which required the initiation of the groundwater cleanup alternative. Monitored natural attenuation relies on natural processes to reduce the concentration of Site chemicals of concern to the appropriate cleanup levels. The selected remedy required the collection and analysis of groundwater samples from the Site monitor wells to determine if the selected remedy was effective. The TCEQ began regular groundwater monitoring in July 2004. Based on the results of the groundwater monitoring program, the cleanup levels have been achieved in all site monitor wells and the TCEQ proposes to remove the Site from the registry of state Superfund sites. Additionally, the Site monitor wells will be plugged and abandoned in accordance with appropriate regulations and guidance.

In accordance with §361.188(d) of the Texas Health and Safety Code, a notice will be filed in the real property records of Bexar County, Texas stating that the Site has been deleted from the Texas Superfund Registry.

As a result of the remedial actions that have been performed at the Site, the TCEQ has determined that the Site no longer presents an imminent and substantial endangerment to human health and safety and the environment. No further action is necessary at the Site and the Site is eligible for deletion from the Texas Superfund Registry of Superfund sites as provided by 30 TAC §335.344(c).

The TCEQ will hold a public meeting to receive comments on the proposed deletion of the Site and the determination to take no further action. This public meeting is not a contested case hearing under Texas Government Code, Chapter 2001. The public meeting is scheduled for Thursday, August 22, 2013, at the Texas A&M Engineering Extension Service Campus, Building A, 9350 South Presa, San Antonio, Texas starting at 7:00 p.m.

All persons desiring to make comments may do so prior to or at the public meeting. All comments submitted prior to the public meeting must be received by 5:00 p.m. on Wednesday, August 21, 2013, one day before the date of the meeting, and should be sent in writing to Ms. Carol Boucher, P.G., Project Manager, TCEQ, Remediation Division, MC 136, P.O. Box 13087, Austin, Texas 78711-3087 or by facsimile (512) 239-2450. The public comment period for this action will end at the close of the public meeting on August 22, 2013.

A portion of the record for this Site, including documents pertinent to the proposed deletion of the Site, is available for review during regular business hours at the San Antonio Central Library, 600 Soledad, San Antonio, Texas, (210) 207-2500. Copies of the complete public record file may be obtained during regular business hours at the TCEQ's Records Management Center, Building E, First Floor, Records Customer Service, MC 199, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-2920. Photocopying of file information is subject to payment of a fee. Parking for persons with disabilities is available on the east side of Building D, convenient to access ramps that are between Buildings D and E.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the meeting should contact the TCEQ at (800) 633-9363. Requests should be made as far in advance as possible.

For further information regarding this meeting, please call Mr. John Flores, TCEQ Community Relations, at (800) 633-9363.

TRD-201302820

Kathleen C. Decker
Director, Litigation Division
Texas Commission on Environmental Quality
Filed: July 9, 2013



Notice of Public Meeting on the Niagara Chemical State Superfund Site

The purpose of the meeting is to obtain public input and information concerning the proposal to delete the Niagara Chemical State Superfund Site (the site) from the state Superfund registry.

The executive director (ED) of the Texas Commission on Environmental Quality (TCEQ or commission) is issuing this public notice of intent to take no further action at the Site and to delete the Site from its active status on the state Superfund registry. The state registry is the list of state Superfund sites which may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment. The commission is proposing this deletion because the ED has determined that due to remedial actions that have been performed, the Site no longer presents such an endangerment. This combined notice was also published in the *Valley Morning Star* on July 19, 2013.

The Site was proposed for listing on the state Superfund registry in the July 25, 1986, issue of the *Texas Register* (11 TexReg 3421). The Site, including all land, structures, appurtenances, and other improvements, is located west of the intersection of Commerce Street and Adams Avenue in Harlingen, Cameron County, Texas. The Site also included any areas where hazardous substances had come to be located as a result either directly or indirectly, of releases of hazardous substances from the Site.

Historical pesticide manufacturing and storage operations conducted by the Niagara Chemical Company resulted in impacted surface soil, subsurface soil, and groundwater at the site. Contaminants of concern (COCs) at the site were arsenic and organochlorine pesticides, including alpha benzene hexachloride (BHC), beta-BHC, gamma-BHC, dichlorodiphenyldichloroethane (DDD), dichlorodiphenyldichloroethylene (DDE), dichlorodiphenyltrichloroethane (DDT), and dieldrin. Remedial actions for the Site included excavation and off-site disposal of surface soil and debris exceeding the cleanup levels. A minimum of two feet of soil was removed from the surface of the Site within excavation limits. The Site excavation was backfilled to grade with clean soil and re-vegetated. The selected remedy for the Site groundwater was monitored natural attenuation, including modeling to demonstrate control of contaminant movement by natural degradation and attenuation. On June 19, 1998, a Deed Certification of Remediation and a Deed Restriction were recorded in Cameron County in accordance with the Administrative Order by the landowner, Union Pacific Railroad. The Deed Certification of Remediation documented that contaminants at the Site were remediated to meet non-residential (i.e., industrial/commercial) soil criteria. The Deed Restriction prohibits construction and development of water production wells in the first shallow waterbearing zone, or any other use of the groundwater, within the property boundaries. Groundwater natural attenuation modeling was performed after five- and ten-year periods of monitoring activities. Based on the direction of groundwater flow, concentrations of the COCs in groundwater, results of the natural attenuation modeling, absence of neighboring private or public water wells, and placement of deed restrictions on groundwater use across the area with residual arsenic concentrations above background levels, there is no potential for exposure to residual levels of contamination in groundwater and no potential for human health risk based on industrial use. Requirements of the Administrative Order

have been met for the Site, and with the Deed Restriction in place, continued post closure care for the Site is no longer warranted. As a result of the remedial actions that have been performed at the Site, the ED has determined that the Site no longer presents an imminent and substantial endangerment to public health and safety and the environment. Therefore, no further action is necessary at the Site and the Site is eligible for deletion from the state registry of Superfund sites as provided by 30 TAC §335.344(c).

The commission will hold a public meeting to receive comment on the proposed deletion of the Site and the determination to take no further action. This public meeting will not be a contested case hearing within the meaning of the Texas Government Code, Chapter 2001. The meeting will be held on August 22, 2013, at 7:00 p.m., at the Harlingen City Hall, Town Hall Room, 2nd Floor, 118 East Tyler Avenue, Harlingen, Cameron County, Texas.

All persons desiring to make comments regarding the proposed deletion of the Site may do so prior to or at the public meeting. All comments submitted prior to the public meeting must be received by 5:00 p.m., on August 21, 2013, and should be sent in writing to Michael Cave, Project Manager, TCEQ, Remediation Division, MC 136, P.O. Box 13087, Austin, Texas 78711-3087 or by facsimile (512) 239-2450. The public comment period for this action will end at the close of the public meeting on August 22, 2013.

A portion of the record for this site, including documents pertinent to the ED's proposed deletion is available for review during regular business hours at the Harlingen Public Library, 410 76 Drive, Harlingen, Texas 78550, Phone: (956) 216-5801. The complete public file may be obtained during regular business hours at the commission's Central File Room Customer Service Center, Mail Code 213, Building E, Room 103, First Floor, 12100 Park 35 Circle, Austin, Texas 78753. Phone: (800) 633-9363 or (512) 239-2900. Fees are charged for photocopying file information. Parking for persons with disabilities is available on the east side of Building D, convenient to access ramps that are between Building D and E.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the meeting should contact the agency at (800) 633-9363 or (512) 239-5906. Requests should be made as far in advance as possible.

For further information about the public meeting, please call Crystal Taylor, Community Relations Liaison, at (800) 633-9363.

TRD-201302821

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: July 9, 2013



Notice of Water Quality Applications

The following notices were issued on June 28, 2013 through July 5, 2013.

The following require the applicants to publish notice in a newspaper. Public comments, requests for public meetings, or requests for a contested case hearing may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087, WITHIN 30 DAYS OF THE DATE OF NEWSPAPER PUBLICATION OF THE NOTICE.

INFORMATION SECTION

GULF COAST WASTE DISPOSAL AUTHORITY which operates the Washburn Tunnel Facility, a publicly owned treatment works that

accepts and treats piped wastewater from industrial and domestic facilities, and from additional sources delivered by rail, barge, and over-the-road vehicles, has applied to the for a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0001740000 to incorporate various outfall numbers to be associated with each of the currently permitted Tiers, which are linked to operation of the diffuser and the daily average flow (i.e., Tier I as Outfall 003 with a 20-port diffuser, Tier II as Outfall 004 and Tier III as Outfall 005 both with a 30-port diffuser) and noting the physical discharge point remains unchanged; revise the summation Outfall SUM1&2 per Tier to SUM1&2 (for the Interim Phase), SUM2&3 (for Tier I), SUM2&4 (for Tier II), and SUM2&5 (for Tier III); to remove the annual sludge reporting requirement; add a minimum analytical level for total residual chlorine; update significant industrial user flow information; determine applicable federal guidelines; and recalculate technology-based effluent limitations for various parameters at the applicable outfalls. The current permit authorizes the discharge of treated industrial and municipal wastewaters at a daily average flow not to exceed 30,000,000 gallons per day (Interim Phase with no diffuser), 30,000,000 gallons per day (Tier I using a 25-port diffuser), 36,000,000 gallons per day (Tier II using a 30-port diffuser), and 42,000,000 gallons per day (Tier III using a 30-port diffuser) via Outfall 001; the discharge of treated industrial and domestic wastewaters on an intermittent and flow variable basis via Outfall 002; and reporting Outfall SUM1&2 for the purpose of regulating the cumulative discharge loading of pollutants from Outfalls 001 and 002. The facility is located at 1002 North Richey Street, on the south bank of the Houston Ship Channel, approximately one-half mile west and upstream of the Washburn Tunnel, in the City of Pasadena, Harris County, Texas 77506-1041. The TCEQ Executive Director has reviewed this action for consistency with the Texas Coastal Management Program goals and policies in accordance with the regulations of the General Land Office, and has determined that the action is consistent with the applicable CMP goals and policies.

TRS ENVIROGANICS INC has applied for a major amendment of TCEQ Permit No. WQ0004460000 to increase the overall land application acreage from 2,000 acres to 5,729.6 acres, and to change the different application field numbers and maximum application rates. This permit will not authorize a discharge of pollutants into waters in the State. The sludge land application site is located approximately four miles east of the intersection of Farm-to-Market Road 1410 and Texas Highway 61 at the intersection of Devers Road and Farm-to-Market Road 1410, in Liberty County, Texas 77538.

CITY OF LEAGUE CITY has applied for a renewal of TPDES Permit No. WQ0010568003, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 660,000 gallons per day. The facility is located at 6125 Bay Area Boulevard, League City, on the western bank of Magnolia Creek; approximately 1,200 feet south of Clear Creek; approximately 2,200 feet north of Farm-to-Market Road 518 and approximately 3 miles west of Interstate Highway 45 in Galveston County, Texas 77573.

CITY OF MORGAN'S POINT has applied for a renewal of TPDES Permit No. WQ0010779001 which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 200,000 gallons per day. The facility is located at 227 North Wilson Road, at the southwest corner of the intersection of Barbours Cut Boulevard and North Wilson Road in Harris County, Texas 77571

BLUE BELL MANOR UTILITY CO INC AND MAGNA FLOW INTERNATIONAL INC have applied for a renewal with changes of TPDES Permit No. WQ0011473001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 600,000 gallons per day. The applicants proposed to improve treat-

ment for ammonia nitrogen by changing the piping configuration of the existing facilities. The applicants also requested addition of a 580,000 gallons per day interim phase. The facility is located at 9601 Angie Lane, Houston, on the north bank of Halls Bayou, approximately 1,200 feet north-northeast of the intersection of State Highway 249 (formerly Farm-to-Market Road 149) and Veterans Memorial (formerly Stuebner Airline Road) in Harris County, Texas 77038.

SAN JACINTO RIVER AUTHORITY has applied for a renewal of TPDES Permit No. WQ0011658001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 900,000 gallons per day. The facility is located approximately 2,000 feet east of Interstate Highway 45, approximately 1.5 miles south of Farm-to-Market 1488, adjacent to the Missouri Pacific Railroad tracks and an unnamed tributary at 555 South Trade Center Parkway, Conroe in Montgomery County, Texas 77385.

THE COLONY MUNICIPAL UTILITY DISTRICT NO 1A has applied for a renewal of TPDES Permit No. WQ0014427001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 900,000 gallons per day. The facility is located west of Farm-to-Market Road 969, 1.15 miles northwest of the intersection of State Highway 71 and Farm-to-Market Road 969 in Bastrop County, Texas 78602.

Southwest Milam Water Supply Corporation has applied for a renewal of TPDES Permit No. WQ0014524001, which authorizes the discharge of treated filter backwash water from a water treatment plant at a daily average flow not to exceed 60,000 gallons per day. The plant site is located at 3240 County Road 334, on the west side of Milam County Road 334 approximately 3.5 miles south of U.S. Highway 79, 4 miles east of Rockdale in Milam County, Texas 76567.

QUADVEST LP has applied for a renewal of TPDES Permit No. WQ0014531001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 600,000 gallons per day. The facility is located at 4002 1/2 Guadalupe River Boulevard, approximately 5,000 feet west of the intersection of Riley Fussell Road and the Main Bender Tram, east of the intersection of Woodson's Gully and the Texas Illinois Natural Gas Pipeline in Montgomery County, Texas 77386.

FRUITVALE HOUSING AUTHORITY has applied for a renewal of TPDES Permit No. WQ0014545001 which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 4,300 gallons per day. The facility is located at 450 Private Road 5090, Fruitvale, approximately 2,500 feet south-southeast of the intersection of State Highway 80 and Farm-to-Market Road 1910 and approximately 4,000 feet southwest of the intersection of State Highway 80 and Farm-to-Market Road 1110 in Van Zandt County, Texas 75127.

The following do not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, at the address provided in the information section above, WITHIN 30 DAYS OF THE ISSUED DATE OF THE NOTICE.

THE CITY OF KRUM has applied for a minor amendment to the Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010729001. The minor amendment is to authorize a change in disinfection method from chlorination to ultraviolet in the Interim II and Final phases. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 700,000 gallons per day. The facility is located on the east side of North Hickory Creek, approximately 0.6 mile southwest of the intersection of Farm-to-Market Road 156 and Farm-to-Market Road 1173 in Denton County, Texas 76249.

TRD-201302842

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 10, 2013



Notice of Water Rights Application

Notice issued July 3, 2013.

APPLICATION NO. 5851. The Brazos River Authority, P.O. Box 7555, Waco, Texas 76714-7555, has applied for a permit, designated its "System Operation Permit", to 1) include a Water Management Plan; 2) include accounting plans; 3) authorize an appropriation of state water for multiple use purposes; 4) authorize additional water under a term permit; 5) authorize an appropriation of return flows; 6) authorize an exempt interbasin transfer of the water requested; 7) authorize operational flexibility; 8) authorize use of the bed and banks of the Brazos River, its tributaries, and BRA's reservoirs for the storage, conveyance and subsequent diversion of state water appropriated pursuant to this application and from other sources. The application was received on June 28, 2004. The application was declared administratively complete and accepted for filing on October 14, 2004. This application went to evidentiary hearing at the State Office of Administrative Hearings in 2011, a Proposal for Decision was prepared, and the application was heard by the Commission. The Commission sent the case back for further contested case hearing after a Water Management Plan was prepared. The Water Management Plan was received on November 28, 2012 and additional information and fees were received on December 18, 2012, April 24, and May 1, June 3, and June 12, 2013. The amended application was declared administratively complete and accepted for filing on May 7, 2013. The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions to protect senior and superior water rights owners. The application, technical memoranda, and Executive Director's draft permit are available for viewing and copying at the Office of the Chief Clerk, 12100 Park 35 Circle, Bldg. F, Austin, Texas 78753. Written hearing requests, public comments should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <http://www.tceq.texas.gov/about/comments.html>. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same mailing address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en español, puede llamar al 1-800-687-4040 o por el internet al <http://www.tceq.texas.gov>.

INFORMATION SECTION

To view the complete issued notice, view the notice on our web site at www.tceq.texas.gov/comm_exec/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

A public meeting is intended for the taking of public comment and is not a contested case hearing.

The Executive Director can consider approval of an application unless a written request for a contested case hearing is filed. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement [I/we] request a contested case

hearing; and (4) a brief and specific description of how you would be affected by the application in a way not common to the general public. You may also submit any proposed conditions to the requested application which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the TCEQ Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the requested permit and may forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Public Education Program at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.texas.gov. Si desea información en español, puede llamar al 1-800-687-4040.

TRD-201302843

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: July 10, 2013

Texas Ethics Commission

List of Late Filers

Listed below are the names of filers from the Texas Ethics Commission who did not file reports or failed to pay penalty fines for late reports in reference to the listed filing deadline. If you have any questions, you may contact Robbie Douglas at (512) 463-5780.

Deadline: Semiannual Report due July 16, 2012 for Committees

Heriberto Medrano, Harlingen Citizens Leadership Council Inc., 2009 E. Harrison Ave., Ste. B, Harlingen, Texas 78550-7386

Deadline: Semiannual Report due January 15, 2013 for Committees

Heriberto Medrano, Harlingen Citizens Leadership Council Inc., 2009 E. Harrison Ave., Ste. B, Harlingen, Texas 78550-7386

Deadline: Semiannual Report due January 15, 2013 for Candidates and Officeholders

Frank J. Corte, Jr., 4203 Honeycomb St., San Antonio, Texas 78230-1403

Deadline: Lobby Activities Report due April 10, 2013

Thomas Rene Aguillon, 1005 Congress Ave., Austin, Texas 78701

Michael W. Higgins, P.O. Box 11676, Austin, Texas 78711

Deadline: Lobby Activities Report due May 10, 2013

Luke Bellsnyder, 809 W. 12th St., Ste. E, Austin, Texas 78701

Jennifer E. Sellers, P.O. Box 684501, Austin, Texas 78768

TRD-201302857

David A. Reisman

Executive Director

Texas Ethics Commission

Filed: July 10, 2013

Texas Health and Human Services Commission

Notice of Public Hearing on Proposed Medicaid Payment Rates for Audiometric Services

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on August 20, 2013, at 1:30 p.m., to receive comment on proposed Medicaid payment rates for Audiometric Services.

The public hearing will be held in the Health and Human Services Commission Public Hearing Room, Brown-Heatly Building, located at 4900 North Lamar, Austin, Texas. Entry is through security at the main entrance of the building, which faces Lamar Boulevard. The hearing will be held in compliance with Human Resources Code §32.0282 and 1 Texas Administrative Code (1 TAC) §355.201, which require public notice of and hearings on proposed Medicaid reimbursements.

Proposal. The payment rates for Audiometric Services are proposed to be effective October 1, 2013.

Methodology and Justification. The proposed payment rates were calculated in accordance with 1 TAC:

§355.8081, which addresses payments for laboratory and x-ray services, radiation therapy, physical therapists' services, physician services, podiatry services, chiropractic services, optometric services, ambulance services, dentists' services, psychologists' services, licensed psychological associates' services, maternity clinic services, and tuberculosis clinic services;

§355.8085, which addresses the reimbursement methodology for physicians and other practitioners; and

§355.8141, which addresses the reimbursement methodology for Hearing Aid Services.

Briefing Package. A briefing package describing the proposed payments will be available at <http://www.hhsc.state.tx.us/rad/rate-packets.shtml> on or after August 6, 2013. Interested parties may obtain a copy of the briefing package prior to the hearing by contacting Rate Analysis by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at chris.zinger@hhsc.state.tx.us. The briefing package will also be available at the public hearing.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the attention of Rate Analysis, HHSC, Rate Analysis, Mail Code H-400, P.O. Box 85200, Austin, Texas 78708-5200; by fax to Rate Analysis at (512) 730-7475; or by e-mail to chris.zinger@hhsc.state.tx.us. In addition, written comments may be sent by overnight mail or hand delivered to HHSC Rate Analysis, Mail Code H-400, Brown-Heatly Building, 4900 North Lamar, Austin, Texas 78751.

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Rate Analysis at (512) 730-7401 at least 72 hours in advance, so appropriate arrangements can be made.

TRD-201302833

Steve Aragon

Chief Counsel

Texas Health and Human Services Commission

Filed: July 9, 2013

Notice of Public Hearing on Proposed Medicaid Payment Rates for Healthcare Common Procedure Coding System Updates

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on August 20, 2013, at 1:30 p.m., to receive comment on proposed Medicaid payment rates for first and second quarter 2013 Healthcare Common Procedure Coding System (HCPCS) updates.

The public hearing will be held in the Texas Health and Human Services Commission Public Hearing Room, Brown-Heatly Building, located at 4900 North Lamar, Austin, Texas. Entry is through security at the main entrance of the building, which faces Lamar Boulevard. The hearing will be held in compliance with Human Resources Code §32.0282 and 1 Texas Administrative Code (TAC) §355.201, which require public notice of and hearings on proposed Medicaid reimbursements.

Proposal. The payment rates for first and second quarter 2013 HCPCS are proposed to be effective October 1, 2013.

Methodology and Justification. The proposed payment rates were calculated in accordance with:

1 TAC §355.8021, which addresses the reimbursement methodology for home health services and durable medical equipment, prosthetics, orthotics, and supplies;

1 TAC §355.8081, which addresses payments for laboratory and x-ray services, radiation therapy, physical therapists' services, physician services, podiatry services, chiropractic services, optometric services, ambulance services, dentists' services, psychologists' services, licensed psychological associates' services, maternity clinic services, and tuberculosis clinic services;

1 TAC §355.8085, which addresses the reimbursement methodology for physicians and other practitioners; and

1 TAC §355.8441, which addresses the reimbursement methodology for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services.

Briefing Package. A briefing package describing the proposed payments will be available at <http://www.hhsc.state.tx.us/rad/rate-packets.shtml> on or after August 6, 2013. Interested parties may obtain a copy of the briefing package prior to the hearing by contacting Rate Analysis by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at sarah.hambrick@hhsc.state.tx.us. The briefing package will also be available at the public hearing.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Rate Analysis at (512) 730-7475; or by e-mail to sarah.hambrick@hhsc.state.tx.us. In addition, written comments may be sent by overnight mail or hand delivered to Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, Brown-Heatly Building, 4900 North Lamar, Austin, Texas 78751.

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Rate Analysis at (512) 730-7401 at least 72 hours in advance, so appropriate arrangements can be made.

TRD-201302840

Steve Aragon
Chief Counsel
Texas Health and Human Services Commission
Filed: July 10, 2013



Notice of Public Hearing on Proposed Medicaid Payment Rates for Medicaid Biennial Calendar Fee Review

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on August 20, 2013, at 1:30 p.m., to receive comment on proposed Medicaid payment rates for Medicaid Biennial Calendar Fee Review.

The public hearing will be held in the Health and Human Services Commission Public Hearing Room, Brown-Heatly Building, located at 4900 North Lamar, Austin, Texas. Entry is through security at the main entrance of the building, which faces Lamar Boulevard. The hearing will be held in compliance with Human Resources Code §32.0282 and 1 Texas Administrative Code (1 TAC) §355.201, which require public notice of and hearings on proposed Medicaid reimbursements.

Proposal. The payment rates for Medicaid Biennial Calendar Fee Review are proposed to be effective October 1, 2013, for the following services:

- (1) Blood Products
- (2) Ears, Nose, and Throat Services
- (3) Radiation Oncology
- (4) Nuclear Medicine
- (5) Physician-Administered Drugs - Oncology
- (6) Physician-Administered Drugs - Nononcology

Methodology and Justification. The proposed payment rates were calculated in accordance with 1 TAC:

§355.8021, which addresses the reimbursement methodology for home health services and durable medical equipment, prosthetics, orthotics, and supplies;

§355.8081, which addresses payments for laboratory and x-ray services, radiation therapy, physical therapists' services, physician services, podiatry services, chiropractic services, optometric services, ambulance services, dentists' services, psychologists' services, licensed psychological associates' services, maternity clinic services, and tuberculosis clinic services;

§355.8085, which addresses the reimbursement methodology for physicians and other practitioners; and

§355.8441, which addresses the reimbursement methodology for durable medical equipment and expendable supplies in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program (known in Texas as Texas Health Steps).

Briefing Package. A briefing package describing the proposed payments will be available at <http://www.hhsc.state.tx.us/rad/rate-packets.shtml> on or after August 6, 2013. Interested parties may obtain a copy of the briefing package prior to the hearing by contacting Rate Analysis by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at sarah.hambrick@hhsc.state.tx.us. The briefing package will also be available at the public hearing.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission,

sion, Attention: Rate Analysis, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Rate Analysis at (512) 730-7475; or by e-mail to sarah.hambrick@hhsc.state.tx.us. In addition, written comments may be sent by overnight mail or hand delivered to Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, Brown-Heatly Building, 4900 North Lamar, Austin, Texas 78751.

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Rate Analysis at (512) 730-7401 at least 72 hours in advance, so appropriate arrangements can be made.

TRD-201302832

Steve Aragon

Chief Counsel

Texas Health and Human Services Commission

Filed: July 9, 2013



Notice of Public Hearing on Proposed Medicaid Payment Rates for Outpatient Behavioral Health Services

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on August 20, 2013, at 1:30 p.m., to receive comment on proposed Medicaid payment rates for Outpatient Behavioral Health Services.

The public hearing will be held in the Texas Health and Human Services Commission Public Hearing Room, Brown-Heatly Building, located at 4900 North Lamar, Austin, Texas. Entry is through security at the main entrance of the building, which faces Lamar Boulevard. The hearing will be held in compliance with Human Resources Code §32.0282 and 1 Texas Administrative Code (TAC) §355.201, which require public notice of and hearings on proposed Medicaid reimbursements.

Proposal. The payment rates for Outpatient Behavioral Health Services are proposed to be effective September 1, 2013.

Methodology and Justification. The proposed payment rates were calculated in accordance with:

1 TAC §355.8081, which addresses payments for laboratory and x-ray services, radiation therapy, physical therapists' services, physician services, podiatry services, chiropractic services, optometric services, ambulance services, dentists' services, psychologists' services, licensed psychological associates' services, maternity clinic services, and tuberculosis clinic services;

1 TAC §355.8085, which addresses the reimbursement methodology for physicians and other practitioners; and

1 TAC §355.8091, which addresses the reimbursement methodology for licensed professional counselors, licensed master social worker-advanced clinical practitioners, and licensed marriage and family therapists.

Briefing Package. A briefing package describing the proposed payments will be available at <http://www.hhsc.state.tx.us/rad/rate-packets.shtml> on or after August 6, 2013. Interested parties may obtain a copy of the briefing package prior to the hearing by contacting Rate Analysis by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at sarah.hambrick@hhsc.state.tx.us. The briefing package will also be available at the public hearing.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may

be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Rate Analysis at (512) 730-7475; or by e-mail to sarah.hambrick@hhsc.state.tx.us. In addition, written comments may be sent by overnight mail or hand delivered to Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, Brown-Heatly Building, 4900 North Lamar, Austin, Texas 78751.

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Rate Analysis at (512) 730-7401 at least 72 hours in advance, so appropriate arrangements can be made.

TRD-201302841

Steve Aragon

Chief Counsel

Texas Health and Human Services Commission

Filed: July 10, 2013



Notice of Public Hearing on Proposed Medicaid Payment Rates for Physician-Administered Drug - Fluarix

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on August 20, 2013, at 1:30 p.m., to receive comment on proposed Medicaid payment rates for Physician-Administered Drug - Fluarix.

The public hearing will be held in the Health and Human Services Commission Public Hearing Room, Brown-Heatly Building, located at 4900 North Lamar, Austin, Texas. Entry is through security at the main entrance of the building, which faces Lamar Boulevard. The hearing will be held in compliance with Human Resources Code §32.0282 and 1 Texas Administrative Code (1 TAC) §355.201, which require public notice of and hearings on proposed Medicaid reimbursements.

Proposal. The payment rates for the Physician-Administered Drug - Fluarix are proposed to be effective October 1, 2013.

Methodology and Justification. The proposed payment rates were calculated in accordance with 1 TAC §355.8085, which addresses the reimbursement methodology for physicians and other practitioners.

Briefing Package. A briefing package describing the proposed payments will be available at <http://www.hhsc.state.tx.us/rad/rate-packets.shtml> on or after August 6, 2013. Interested parties may obtain a copy of the briefing package prior to the hearing by contacting Rate Analysis by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at sarah.hambrick@hhsc.state.tx.us. The briefing package will also be available at the public hearing.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Rate Analysis at (512) 730-7475; or by e-mail to sarah.hambrick@hhsc.state.tx.us. In addition, written comments may be sent by overnight mail or hand delivered to Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, Brown-Heatly Building, 4900 North Lamar, Austin, Texas 78751.

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Rate Analysis at (512) 730-7401 at least 72 hours in advance, so appropriate arrangements can be made.

TRD-201302836
Steve Aragon
Chief Counsel
Texas Health and Human Services Commission
Filed: July 9, 2013



Notice of Public Hearing on Proposed Medicaid Payment Rates for Physician-Administered Drug - Hydroxyprogesterone Caproate

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on August 20, 2013, at 1:30 p.m., to receive comment on proposed Medicaid payment rates for Physician-Administered Drug - Hydroxyprogesterone Caproate.

The public hearing will be held in the Health and Human Services Commission Public Hearing Room, Brown-Heatly Building, located at 4900 North Lamar, Austin, Texas. Entry is through security at the main entrance of the building, which faces Lamar Boulevard. The hearing will be held in compliance with Human Resources Code §32.0282 and 1 Texas Administrative Code (1 TAC) §355.201, which require public notice of and hearings on proposed Medicaid reimbursements.

Proposal. The payment rates for the Physician-Administered Drug - Hydroxyprogesterone Caproate are proposed to be effective October 1, 2013.

Methodology and Justification. The proposed payment rates were calculated in accordance with 1 TAC §355.8085, which addresses the reimbursement methodology for physicians and other practitioners.

Briefing Package. A briefing package describing the proposed payments will be available at <http://www.hhsc.state.tx.us/rad/rate-packets.shtml> on or after August 6, 2013. Interested parties may obtain a copy of the briefing package prior to the hearing by contacting Rate Analysis by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at sarah.hambrick@hhsc.state.tx.us. The briefing package will also be available at the public hearing.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Rate Analysis at (512) 730-7475; or by e-mail to sarah.hambrick@hhsc.state.tx.us. In addition, written comments may be sent by overnight mail or hand delivered to Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, Brown-Heatly Building, 4900 North Lamar, Austin, Texas 78751.

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Rate Analysis at (512) 730-7401 at least 72 hours in advance, so appropriate arrangements can be made.

TRD-201302834
Steve Aragon
Chief Counsel
Texas Health and Human Services Commission
Filed: July 9, 2013



Notice of Public Hearing on Proposed Medicaid Payment Rates for Physician-Administered Drug - Imported Lipodox

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on August 20, 2013, at 1:30 p.m., to receive comment on proposed Medicaid payment rates for Physician-Administered Drug - Imported Lipodox.

The public hearing will be held in the Health and Human Services Commission Public Hearing Room, Brown-Heatly Building, located at 4900 North Lamar, Austin, Texas. Entry is through security at the main entrance of the building, which faces Lamar Boulevard. The hearing will be held in compliance with Human Resources Code §32.0282 and 1 Texas Administrative Code (1 TAC) §355.201, which require public notice of and hearings on proposed Medicaid reimbursements.

Proposal. The payment rates for the Physician-Administered Drug - Imported Lipodox are proposed to be effective October 1, 2013.

Methodology and Justification. The proposed payment rates were calculated in accordance with 1 TAC §355.8085, which addresses the reimbursement methodology for physicians and other practitioners.

Briefing Package. A briefing package describing the proposed payments will be available at <http://www.hhsc.state.tx.us/rad/rate-packets.shtml> on or after August 6, 2013. Interested parties may obtain a copy of the briefing package prior to the hearing by contacting Rate Analysis by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at sarah.hambrick@hhsc.state.tx.us. The briefing package will also be available at the public hearing.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Rate Analysis at (512) 730-7475; or by e-mail to sarah.hambrick@hhsc.state.tx.us. In addition, written comments may be sent by overnight mail or hand delivered to Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, Brown-Heatly Building, 4900 North Lamar, Austin, Texas 78751.

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Rate Analysis at (512) 730-7401 at least 72 hours in advance, so appropriate arrangements can be made.

TRD-201302837
Steve Aragon
Chief Counsel
Texas Health and Human Services Commission
Filed: July 9, 2013



Notice of Public Hearing on Proposed Medicaid Payment Rates for Physician-Administered Drug - Pevnar 13

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on August 20, 2013, at 1:30 p.m., to receive comment on proposed Medicaid payment rates for Physician-Administered Drug - Pevnar 13.

The public hearing will be held in the Health and Human Services Commission Public Hearing Room, Brown-Heatly Building, located at 4900 North Lamar, Austin, Texas. Entry is through security at the main entrance of the building, which faces Lamar Boulevard. The hearing will be held in compliance with Human Resources Code §32.0282 and 1 Texas Administrative Code (1 TAC) §355.201, which require public notice of and hearings on proposed Medicaid reimbursements.

Proposal. The payment rates for the Physician-Administered Drug - Pevnar 13 are proposed to be effective October 1, 2013.

Methodology and Justification. The proposed payment rates were calculated in accordance with 1 TAC §355.8085, which addresses the reimbursement methodology for physicians and other practitioners.

Briefing Package. A briefing package describing the proposed payments will be available at <http://www.hhsc.state.tx.us/rad/rate-packets.shtml> on or after August 6, 2013. Interested parties may obtain a copy of the briefing package prior to the hearing by contacting Rate Analysis by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at sarah.hambrick@hhsc.state.tx.us. The briefing package will also be available at the public hearing.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Rate Analysis at (512) 730-7475; or by e-mail to sarah.hambrick@hhsc.state.tx.us. In addition, written comments may be sent by overnight mail or hand delivered to Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, Brown-Heatly Building, 4900 North Lamar, Austin, Texas 78751.

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Rate Analysis at (512) 730-7401 at least 72 hours in advance, so appropriate arrangements can be made.

TRD-201302835
Steve Aragon
Chief Counsel
Texas Health and Human Services Commission
Filed: July 9, 2013



Notice of Public Hearing on Proposed Medicaid Payment Rates for Telemonitoring Services

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on August 20, 2013, at 1:30 p.m., to receive comment on proposed Medicaid payment rates for Telemonitoring Services.

The public hearing will be held in the Health and Human Services Commission Public Hearing Room, Brown-Heatly Building, located at 4900 North Lamar, Austin, Texas. Entry is through security at the main entrance of the building, which faces Lamar Boulevard. The hearing will be held in compliance with Human Resources Code §32.0282 and 1 Texas Administrative Code (1 TAC) §355.201, which require public notice of and hearings on proposed Medicaid reimbursements.

Proposal. The payment rates for Telemonitoring Services are proposed to be effective October 1, 2013.

Methodology and Justification. The proposed payment rates were calculated in accordance with 1 TAC:

Proposed rule §355.7001, which addresses the reimbursement methodology for Telemedicine Services;

§355.8081, which addresses payments for laboratory and x-ray services, radiation therapy, physical therapists' services, physician services, podiatry services, chiropractic services, optometric services, ambulance services, dentists' services, psychologists' services, licensed psychological associates' services, maternity clinic services, and tuberculosis clinic services; and

§355.8085, which addresses the reimbursement methodology for physicians and other practitioners.

Briefing Package. A briefing package describing the proposed payments will be available at <http://www.hhsc.state.tx.us/rad/rate-packets.shtml> on or after August 6, 2013. Interested parties may obtain a copy of the briefing package prior to the hearing by contacting Rate Analysis by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at sarah.hambrick@hhsc.state.tx.us. The briefing package will also be available at the public hearing.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Rate Analysis at (512) 730-7475; or by e-mail to sarah.hambrick@hhsc.state.tx.us. In addition, written comments may be sent by overnight mail or hand delivered to Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, Brown-Heatly Building, 4900 North Lamar, Austin, Texas 78751.

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Rate Analysis at (512) 730-7401 at least 72 hours in advance, so appropriate arrangements can be made.

TRD-201302838
Steve Aragon
Chief Counsel
Texas Health and Human Services Commission
Filed: July 9, 2013



Department of State Health Services

Licensing Actions for Radioactive Materials

The Department of State Health Services has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables. The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

| Location | Name | License # | City | Amendment # | Date of Action |
|---------------|--|-----------|----------|-------------|----------------|
| Houston | Woodlake Imaging, L.L.C. | L06559 | Houston | 00 | 06/17/13 |
| Throughout TX | Norm Pipe, Inc. | L06560 | Marshall | 00 | 06/19/13 |
| Throughout TX | Texas Geotechnical Consultants, L.L.C. | L06558 | Houston | 00 | 06/13/13 |

AMENDMENTS TO EXISTING LICENSES ISSUED:

| Location | Name | License # | City | Amendment # | Date of Action |
|----------------|--|-----------|----------------|-------------|----------------|
| Austin | Austin Nuclear Pharmacy, Inc. | L05591 | Austin | 17 | 06/24/13 |
| El Paso | Cardinal Health | L01999 | El Paso | 118 | 06/24/13 |
| El Paso | Cardinal Health dba National Central Pharmacy | L04781 | Abilene | 33 | 06/21/13 |
| Tyler | Cardiovascular Associates of East Texas, P.A. | L04800 | Tyler | 33 | 06/24/13 |
| San Antonio | Christus Santa Rosa Health Care | L02237 | San Antonio | 141 | 06/25/13 |
| Lewisville | Columbia Medical Center of Lewisville Subsidiary, L.P. dba Medical Center of Lewisville | L02739 | Lewisville | 65 | 06/21/13 |
| Trinity | East Texas Medical Center Trinity | L05392 | Trinity | 09 | 06/18/13 |
| El Paso | El Paso Healthcare System, Ltd. dba Las Palmas Medical Center a Campus of Las Palmas De Sol Healthcare | L02715 | El Paso | 83 | 06/20/13 |
| Gonzales | Gonzales Healthcare System dba Memorial Hospital | L03473 | Gonzales | 16 | 06/26/13 |
| Lakeway | Lakeway Regional Medical Center, L.L.C. | L06461 | Lakeway | 04 | 06/20/13 |
| Houston | The Methodist Hospital | L00457 | Houston | 185 | 06/28/13 |
| Tyler | Nutech, Inc. | L04274 | Tyler | 69 | 06/21/13 |
| Pampa | Prime Healthcare Services-Pampa, L.L.C. dba Pampa Regional Medical Center | L06510 | Pampa | 03 | 06/17/13 |
| Dallas | Rosa of North Dallas, L.L.C. | L06186 | Dallas | 09 | 06/18/13 |
| Stephenville | Stephenville Medical and Surgical Clinic | L05309 | Stephenville | 21 | 06/20/13 |
| Arlington | Texas Health Physicians Group dba Arlington Cancer Center | L06434 | Arlington | 02 | 06/26/13 |
| Bellaire | Texas Nuclear Imaging, Inc. dba Excel Diagnostics Imaging Clinic Medical Center | L05009 | Bellaire | 43 | 06/17/13 |
| El Paso | Texas Oncology, P.A. dba El Paso Cancer Treatment Center | L05774 | El Paso | 09 | 06/28/13 |
| Flower Mound | Texas Oncology, P.A. dba Lake Vista Cancer Center | L05526 | Flower Mound | 24 | 06/28/13 |
| Pasadena | Tracerco-A Business Unit of Johnson Matthey, Inc. | L03096 | Pasadena | 82 | 06/06/13 |
| Dallas | Triad Isotopes, Inc. | L06334 | Dallas | 06 | 06/18/13 |
| Houston | Triad Isotopes, Inc. | L06327 | Houston | 07 | 06/18/13 |
| Corpus Christi | Triad Isotopes, Inc. dba Triad Isotopes-Corpus Christi | L05368 | Corpus Christi | 19 | 06/17/13 |
| Denton | University of North Texas Risk Management Services Radiation Safety Office | L00101 | Denton | 93 | 06/19/13 |
| San Antonio | The University of Texas Health Science Center at San Antonio | L01279 | San Antonio | 146 | 06/19/13 |
| Houston | The University of Texas M.D. Anderson Cancer Center | L00466 | Houston | 143 | 06/19/13 |

AMENDMENTS TO EXISTING LICENSES ISSUED (CONTINUED):

| Location | Name | License # | City | Amendment # | Date of Action |
|---------------|--|-----------|-------------|-------------|----------------|
| San Antonio | Urology San Antonio, P.A. dba San Antonio Center for Cancer Treatment | L06047 | San Antonio | 02 | 06/20/13 |
| Throughout TX | Furgo Consultants, Inc. | L05843 | Fort Worth | 09 | 06/21/13 |
| Throughout TX | Furgo Consultants, Inc. | L05843 | Fort Worth | 10 | 06/27/13 |
| Throughout TX | Furmanite America, Inc. | L06554 | Port Lavaca | 01 | 06/25/13 |
| Throughout TX | GME Consulting Services, Inc. | L05128 | Dallas | 10 | 06/17/13 |
| Throughout TX | H & H X-Ray Services, Inc. | L02516 | Flint | 87 | 06/27/13 |
| Throughout TX | HVI Associates, Inc. | L03813 | Houston | 50 | 06/21/13 |
| Throughout TX | Irisndt Matrix Group | L06435 | Houston | 05 | 06/21/13 |
| Throughout TX | Irisndt Matrix Group | L06435 | Houston | 06 | 06/26/13 |
| Throughout TX | The Lane Construction Corporation | L06218 | Roanoke | 02 | 06/27/13 |
| Throughout TX | Link Field Services, Inc. | L05383 | Olney | 27 | 06/25/13 |
| Throughout TX | Schlumberger Technology Corporation | L00764 | Sugar Land | 135 | 06/18/13 |
| Throughout TX | Sterigenics U.S., L.L.C. | L03851 | Fort Worth | 41 | 06/27/13 |
| Throughout TX | Techcorr USA, L.L.C. dba Aut Specialists, L.L.C. | L05972 | Palestine | 97 | 06/21/13 |
| Throughout TX | Thrubit, L.L.C. | L06030 | Houston | 16 | 06/26/13 |
| Throughout TX | Waggoner & Associates, Inc. dba Waggoner-Texas & Associates, Inc. | L06159 | Flint | 15 | 06/27/13 |

RENEWAL OF LICENSES ISSUED:

| Location | Name | License # | City | Amendment # | Date of Action |
|---------------|---------------------------------------|-----------|-------------|-------------|----------------|
| Carrollton | Alpha Energy Laboratories, Inc. | L02814 | Carrollton | 19 | 06/17/13 |
| Odessa | Apollo Perforators, Inc. | L03020 | Odessa | 21 | 06/27/13 |
| Clarksville | East Texas Medical Center Clarksville | L02978 | Clarksville | 25 | 06/21/13 |
| Lubbock | Lubbock Heart Hospital, L.L.C. | L05742 | Lubbock | 11 | 06/28/13 |
| Port Arthur | S. K. RAO, M.D., P.A. | L05415 | Port Arthur | 22 | 06/27/13 |
| Mesquite | Texas Oncology, P.A. | L05741 | Mesquite | 12 | 06/26/13 |
| Throughout TX | Carrillo & Associates, Inc. | L05804 | San Antonio | 10 | 06/25/13 |
| Throughout TX | QC Testing and Engineering, L.L.C. | L05802 | El Paso | 08 | 06/26/13 |

TERMINATIONS OF LICENSES ISSUED:

| Location | Name | License # | City | Amendment # | Date of Action |
|------------|-------------------------------|-----------|------------|-------------|----------------|
| Henrietta | Clay County Memorial Hospital | L03228 | Henrietta | 27 | 06/24/13 |
| Bryan | G.E. Osmonics, Inc. | L06251 | Bryan | 03 | 06/27/13 |
| Huntsville | Sam Houston State University | L00873 | Huntsville | 21 | 06/28/13 |

In issuing new licenses, amending and renewing existing licenses, or approving license exemptions, the Department of State Health Services (department), Radiation Safety Licensing Branch, has determined that the applicant has complied with the applicable provisions of 25 Texas Administrative Code (TAC) Chapter 289 regarding radiation control. In granting termination of licenses, the department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC Chapter 289. In denying the application for a license, license renewal or license amendment, the department has determined that the applicant has not met the applicable requirements of 25 TAC Chapter 289.

This notice affords the opportunity for a hearing on written request of a person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. A person affected may request a hearing by writing Richard A. Ratliff, Radiation Program Officer, Department of State Health Services, Radiation Material Licensing – Mail Code 2835, P.O. Box 149347, Austin, Texas 78714-9347. For information call (512) 834-6688.

TRD-201302805
Lisa Hernandez
General Counsel
Department of State Health Services
Filed: July 8, 2013

◆ ◆ ◆
Texas Department of Insurance

Texas Windstorm Insurance Association Revisions to Dwelling and Commercial Policies

Reference Numbers P-0613-01 and P-0613-02, TDI Numbers 9212555394 and 9212555393, Link Numbers 128482 and 128481

The Texas Windstorm Insurance Association has submitted revisions to its dwelling and commercial policies to the Texas Department of Insurance for approval under 28 Texas Administrative Code §5.4911.

The revisions add metal screen enclosures to the list of items shown in the "PROPERTY NOT COVERED" section of the policies.

You may get a copy of the submitted revisions from the Office of the Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104 or from www.tdi.texas.gov/submissions/indextwia.html.

You may submit written comments on the submission. You must submit your comments within 30 days after this notice is posted in the *Texas Register* and TDI's website. You must submit your comments to Sara Waitt, General Counsel, Mail Code 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. At the same time, you must send a copy of your comments to Marilyn Hamilton, Director, Personal and Commercial Lines Office, Mail Code 104-PC, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104.

You may also submit a written request for a public hearing on the submission not later than the 20th day after this notice is posted in the *Texas Register* and TDI's website. You must submit your request for a hearing to the commissioner through the Office of the Chief Clerk of TDI separately from any written comments. You must submit your request for a hearing to Office of the Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104.

TRD-201302817
Sara Waitt
General Counsel
Texas Department of Insurance
Filed: July 8, 2013

◆ ◆ ◆
Texas Lottery Commission

Correction of Error

The Texas Lottery Commission filed for publication in the February 17, 2012, issue of the *Texas Register* (37 TexReg 1020) a notice concerning Instant Game Number 1440 "Weekly Grand." On page 1022, first column, the third and fourth sentences of Section 2.0 are revised to update the play instructions for "Game 1", as follows.

"2.0 . . . Game 1: If YOUR NUMBER play symbol beats THEIR NUMBER play symbol in any one row across, the player wins the prize for that row. If a player wins a GRAND prize symbol, the player wins \$1,000 per week for 20 years. . . ."

No other section is affected by this revision.

TRD-201302852

◆ ◆ ◆
Correction of Error

The Texas Lottery Commission filed for publication in the May 10, 2013, issue of the *Texas Register* (38 TexReg 2905) a notice concerning Instant Game Number 1543 "Weekly Grand." On page 2906, second column, the third and fourth sentences of Section 2.0 are revised to update the play instructions for "Game 1", as follows.

"2.0 . . . Game 1: If YOUR NUMBER Play Symbol beats THEIR NUMBER Play Symbol in any one row across, the player wins the prize for that row. If a player wins a GRAND Prize Symbol, the player wins \$1,000 per week for 20 years. . . ."

No other section is affected by this revision.

TRD-201302862

◆ ◆ ◆
Instant Game Number 1528 "Cowboys"

1.0 Name and Style of Game.

A. The name of Instant Game No. 1528 is "COWBOYS". The play style is "key number match".

1.1 Price of Instant Ticket.

A. Tickets for Instant Game No. 1528 shall be \$5.00 per Ticket.

1.2 Definitions in Instant Game No. 1528.

A. Display Printing - That area of the Instant Game Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Ticket.

C. Play Symbol - The printed data under the latex on the front of the instant Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, FOOTBALL SYMBOL, TD SYMBOL, \$5.00, \$10.00, \$15.00, \$20.00, \$50.00, \$100, \$1,000, \$5,000 and \$100,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 1528 - 1.2D

| PLAY SYMBOL | CAPTION |
|-------------|---------|
| 01 | ONE |
| 02 | TWO |
| 03 | THR |
| 04 | FOR |
| 05 | FIV |
| 06 | SIX |
| 07 | SVN |
| 08 | EGT |
| 09 | NIN |
| 10 | TEN |
| 11 | ELV |
| 12 | TLV |
| 13 | TRN |
| 14 | FTN |
| 15 | FFN |
| 16 | SXN |
| 17 | SVT |
| 18 | ETN |
| 19 | NTN |
| 20 | TWY |
| 21 | TWON |
| 22 | TWTO |
| 23 | TWTH |
| 24 | TWFR |
| 25 | TWV |
| 26 | TWSX |
| 27 | TWSV |
| 28 | TWET |
| 29 | TWNI |
| 30 | TRTY |
| 31 | TRON |
| 32 | TRTO |
| 33 | TRTH |
| 34 | TRFR |
| 35 | TRV |
| 36 | TRSX |
| 37 | TRSV |
| 38 | TRET |
| 39 | TRNI |
| 40 | FRTY |
| 41 | FRON |
| 42 | FRTO |
| 43 | FRTH |
| 44 | FRFR |
| 45 | FRV |
| 46 | FRSX |

| | |
|-----------------|----------|
| 47 | FRSV |
| 48 | FRET |
| 49 | FRNI |
| 50 | FFTY |
| FOOTBALL SYMBOL | FOOTBL |
| TD SYMBOL | WINALL |
| \$5.00 | FIVE\$ |
| \$10.00 | TEN\$ |
| \$15.00 | FIFTN |
| \$20.00 | TWENTY |
| \$50.00 | FIFTY |
| \$100 | ONE HUND |
| \$1,000 | ONE THOU |
| \$5,000 | FIV THOU |
| \$100,000 | 100 THOU |

E. Serial Number - A unique 14 (fourteen) digit number appearing under the latex scratch-off covering on the front of the Ticket. There will be a four (4)-digit "security number" which will be individually boxed and randomly placed within the number. The remaining ten (10) digits of the Serial Number are the Validation Number. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 00000000000000.

F. Low-Tier Prize - A prize of \$5.00, \$10.00 or \$20.00.

G. Mid-Tier Prize - A prize of \$50.00 or \$100.

H. High-Tier Prize - A prize of \$1,000, \$5,000 or \$100,000.

I. Bar Code - A 24 (twenty-four) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Ticket.

J. Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (1528), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 1528-0000001-001.

K. Pack - A Pack of "COWBOYS" Instant Game Tickets contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket 001 will be shown on the front of the Pack; the back of Ticket 075 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack. Every other book will reverse i.e., reverse order will be: the back of Ticket 001 will be shown on the front of the Pack and the front of Ticket 075 will be shown on the back of the Pack.

L. Non-Winning Ticket - A Ticket which is not programmed to be a winning Ticket or a Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401.

M. Ticket or Instant Game Ticket, or Instant Ticket - A Texas Lottery "COWBOYS" Instant Game No. 1528 Ticket.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Ticket validation requirements set forth in Texas Lottery Rule §401.302, Instant Game Rules, these Game Procedures, and the requirements set out on the back of each instant Ticket. A prize winner in the "COWBOYS" Instant Game is determined once the latex on the Ticket is scratched off to expose 45 (forty-five) Play Symbols. If a player matches any of YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If a player reveals a "FOOTBALL" Play Symbol, the player wins the prize for that symbol. If the player reveals a "TD" Play Symbol, the player WINS ALL 20 PRIZES instantly! No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Instant Game.

2.1 Instant Ticket Validation Requirements.

A. To be a valid Instant Game Ticket, all of the following requirements must be met:

1. Exactly 45 (forty-five) Play Symbols must appear under the Latex Overprint on the front portion of the Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Ticket shall be intact;
6. The Serial Number, Retailer Validation Code and Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Ticket;
8. The Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Ticket must not be counterfeit in whole or in part;
10. The Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Ticket must not have been stolen, nor appear on any list of omitted Tickets or non-activated Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number, Retailer Validation Code and Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Ticket must be complete and not miscut and have exactly 45 (forty-five) Play Symbols under the Latex Overprint on the front portion of the Ticket, exactly one Serial Number, exactly one Retailer Validation Code, and exactly one Pack-Ticket Number on the Ticket;
14. The Serial Number of an apparent winning Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Tickets, and a Ticket with that Serial Number shall not have been paid previously;
15. The Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;
16. Each of the 45 (forty-five) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the 45 (forty-five) Play Symbols on the Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Ticket Number must be printed in the Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;
18. The Display Printing on the Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and
19. The Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Instant Game Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Ticket. In the event a defective Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Ticket with another unplayed Ticket in that Instant Game (or a Ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

- A. Consecutive Non-Winning Tickets within a Pack will not have identical patterns of either Play Symbols or Prize Symbols.
- B. A Ticket will win as indicated by the prize structure.
- C. A Ticket can win up to twenty (20) times.
- D. On winning and Non-Winning Tickets, the top cash prizes of \$100,000, \$5,000 and \$1,000 will each appear at least once, except on Tickets winning twenty (20) times.
- E. No duplicate non-winning YOUR NUMBERS Play Symbols on a Ticket.
- F. Non-winning Prize Symbols will not match a winning Prize Symbol on a Ticket.
- G. Tickets winning more than one (1) time will use as many WINNING NUMBERS Play Symbols as possible to create matches.

H. No duplicate WINNING NUMBERS Play Symbols will appear on a Ticket.

I. The "TD" (win all) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

J. The "TD" (win all) Play Symbol will instantly win all twenty (20) prizes and will win only as per the prize structure.

K. The "TD" (win all) Play Symbol will never appear more than once on a Ticket.

L. The "TD" (win all) Play Symbol will never appear on a Non-Winning Ticket.

M. On Tickets winning with the "TD" (win all) Play Symbol, no YOUR NUMBERS Play Symbols will match any of the WINNING NUMBERS Play Symbols.

N. The "FOOTBALL" (auto win) Play Symbol will never appear as a WINNING NUMBERS Play Symbol.

O. The "FOOTBALL" (auto win) Play Symbol will automatically win the prize amount directly below the "FOOTBALL" (auto win) Play Symbol on a Ticket.

P. The "FOOTBALL" (auto win) Play Symbol will never appear more than once on a Ticket.

Q. The "FOOTBALL" (auto win) Play Symbol will never appear on a Non-Winning Ticket.

R. On Tickets winning with the "FOOTBALL" (auto win) Play Symbol, no YOUR NUMBERS Play Symbols will match any of the WINNING NUMBERS Play Symbols.

S. YOUR NUMBERS Play Symbols will never equal the corresponding Prize Symbol (i.e., 5 and \$5, 10 and \$10, 15 and \$15, 20 and \$20, 50 and \$50).

T. On all Tickets, a Prize Symbol will not appear more than four (4) times except as required by the prize structure to create multiple wins.

U. On Non-Winning Tickets, a WINNING NUMBER Play Symbol will never match a YOUR NUMBER Play Symbol.

2.3 Procedure for Claiming Prizes.

A. To claim a "COWBOYS" Instant Game prize of \$5.00, \$10.00, \$20.00, \$50.00 or \$100, a claimant shall sign the back of the Ticket in the space designated on the Ticket and present the winning Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00 or \$100 Ticket. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "COWBOYS" Instant Game prize of \$1,000, \$5,000 or \$100,000, the claimant must sign the winning Ticket and present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service

(IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "COWBOYS" Instant Game prize, the claimant must sign the winning Ticket, thoroughly complete a claim form, and mail both to: Texas Lottery Commission, Post Office Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct:

1. a sufficient amount from the winnings of a prize winner who has been finally determined to be:

a. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

b. in default on a loan made under Chapter 52, Education Code; or

c. in default on a loan guaranteed under Chapter 57, Education Code; and

2. delinquent child support payments from the winnings of a prize winner in the amount of the delinquency as determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

F. If a person is indebted or owes delinquent taxes to the State, and is selected as a winner in a promotional second-chance drawing, the debt to the State must be paid within 30 days of notification or the prize will be awarded to an Alternate.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "COWBOYS"

Instant Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "COWBOYS" Instant Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Tickets ordered. The number of actual prizes available in a game may vary based on number of Tickets manufactured, testing, distribution, sales and number of prizes claimed. An Instant Game Ticket may continue to be sold even when all the top prizes have been claimed.

2.9 Promotional Second-Chance Drawings. Any non-winning "COWBOYS" Instant Game scratch-off Ticket may be entered into one of five promotional drawings for a chance to win a promotional second-chance drawing prize. See instructions on the back of the Ticket for information on eligibility and entry requirements.

3.0 Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game Ticket in the space designated, a Ticket shall be owned by the physical possessor of said Ticket. When a signature is placed on the back of the Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Ticket in the space designated. If more than one name appears on the back of the Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Instant Game Tickets and shall not be required to pay on a lost or stolen Instant Game Ticket.

4.0 Number and Value of Instant Prizes. There will be approximately 9,720,000 Tickets in the Instant Game No. 1528. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 1528 - 4.0

| Prize Amount | Approximate Number of Winners* | Approximate Odds are 1 in** |
|--------------|--------------------------------|-----------------------------|
| \$5 | 1,468,800 | 6.62 |
| \$10 | 907,200 | 10.71 |
| \$20 | 345,600 | 28.13 |
| \$50 | 59,940 | 162.16 |
| \$100 | 14,202 | 684.41 |
| \$1,000 | 533 | 18,236.40 |
| \$5,000 | 54 | 180,000.00 |
| \$100,000 | 12 | 810,000.00 |

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.48. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Instant Game. The Executive Director may, at any time, announce a closing date (end date) for the Instant Game No. 1528 without advance notice, at which point no further Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Instant Game closing procedures and the Instant Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing an Instant Game Ticket, the player agrees to comply with, and abide by, these Game Procedures for Instant Game No. 1528, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401, and all final decisions of the Executive Director.

TRD-201302853
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: July 10, 2013



Instant Game Number 1560 "Holiday Cheer"

1.0 Name and Style of Game.

A. The name of Instant Game No. 1560 is "HOLIDAY CHEER". The play style is "key symbol match".

1.1 Price of Instant Ticket.

A. Tickets for Instant Game No. 1560 shall be \$1.00 per Ticket.

1.2 Definitions in Instant Game No. 1560.

A. Display Printing - That area of the Instant Game Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Ticket.

C. Play Symbol - The printed data under the latex on the front of the instant Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: SNOWFLAKE SYMBOL, SLEIGH SYMBOL, CHRISTMAS TREE SYMBOL, WREATH SYMBOL, BELL SYMBOL, FIREPLACE SYMBOL, CANDY CANE SYMBOL, ORNAMENT SYMBOL, CANDY SYMBOL, REINDEER SYMBOL, GIFT SYMBOL, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$40.00, \$100 and \$3,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 1560 - 1.2D

| PLAY SYMBOL | CAPTION |
|-----------------------|-----------|
| SNOWFLAKE SYMBOL | SNOFLK |
| SLEIGH SYMBOL | SLEIGH |
| CHRISTMAS TREE SYMBOL | TREE |
| WREATH SYMBOL | WREATH |
| BELL SYMBOL | BELL |
| FIREPLACE SYMBOL | FIREPLACE |
| CANDY CANE SYMBOL | CCANE |
| ORNAMENT SYMBOL | ORNMT |
| CANDY SYMBOL | CANDY |
| REINDEER SYMBOL | DEER |
| GIFT SYMBOL | WIN |
| \$1.00 | ONE\$ |
| \$2.00 | TWO\$ |
| \$5.00 | FIVE\$ |
| \$10.00 | TEN\$ |
| \$20.00 | TWENTY |
| \$40.00 | FORTY |
| \$100 | ONE HUND |
| \$3,000 | THR THOU |

E. Serial Number - A unique 12 (twelve) digit number appearing under the latex scratch-off covering on the front of the Ticket. There will be a four (4)-digit "security number" which will be individually boxed and randomly placed within the number. The remaining ten (10) digits of the Serial Number are the Validation Number. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 00000000000000.

F. Low-Tier Prize - A prize of \$1.00, \$2.00, \$5.00, \$10.00, or \$20.00.

G. Mid-Tier Prize - A prize of \$40.00 or \$100.

H. High-Tier Prize - A prize of \$3,000.

I. Bar Code - A 24 (twenty-four) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Ticket.

J. Pack-Ticket Number - A 12 (twelve) digit number consisting of the four (4) digit game number (1560), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 150 within each Pack. The format will be: 1560-0000001-001.

K. Pack - A Pack of "HOLIDAY CHEER" Instant Game Tickets contains 150 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of five (5). Tickets 001 to 005 will be on the top page; Tickets 006 to 010 on the next page; etc.; and Tickets 146 to 150 will be on the last page with backs exposed. Ticket 001 will be folded over so the front of Ticket 001 and 010 will be exposed.

L. Non-Winning Ticket - A Ticket which is not programmed to be a winning Ticket or a Ticket that does not meet all of the requirements

of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401.

M. Ticket or Instant Game Ticket, or Instant Ticket - A Texas Lottery "HOLIDAY CHEER" Instant Game No. 1560 Ticket.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Ticket validation requirements set forth in Texas Lottery Rule §401.302, Instant Game Rules, these Game Procedures, and the requirements set out on the back of each instant Ticket. A prize winner in the "HOLIDAY CHEER" Instant Game is determined once the latex on the Ticket is scratched off to expose 12 (twelve) Play Symbols. If the player reveals a "GIFT" Play Symbol, the player wins the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Instant Game.

2.1 Instant Ticket Validation Requirements.

A. To be a valid Instant Game Ticket, all of the following requirements must be met:

1. Exactly 12 (twelve) Play Symbols must appear under the Latex Overprint on the front portion of the Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;

4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Ticket shall be intact;
6. The Serial Number, Retailer Validation Code, and Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Ticket;
8. The Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted, or tampered with in any manner;
9. The Ticket must not be counterfeit in whole or in part;
10. The Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Ticket must not have been stolen, nor appear on any list of omitted Tickets or non-activated Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number, Retailer Validation Code, and Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Ticket must be complete and not miscut and have exactly 12 (twelve) Play Symbols under the Latex Overprint on the front portion of the Ticket, exactly one Serial Number, exactly one Retailer Validation Code, and exactly one Pack-Ticket Number on the Ticket;
14. The Serial Number of an apparent winning Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Tickets, and a Ticket with that Serial Number shall not have been paid previously;
15. The Ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error;
16. Each of the 12 (twelve) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the 12 (twelve) Play Symbols on the Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Ticket Number must be printed in the Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;
18. The Display Printing on the Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and
19. The Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Instant Game Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Ticket. In the event a defective Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Ticket with another unplayed Ticket in that Instant Game (or a Ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. Players can win up to six (6) times on a Ticket in accordance with the approved prize structure.

B. Adjacent Non-Winning Tickets within a Pack will not have identical Play and Prize Symbol patterns. Two (2) Tickets have identical Play and Prize Symbol patterns if they have the same Play and Prize Symbols in the same positions.

C. The top Prize Symbol will appear on every Ticket unless otherwise restricted by other parameters, play action or prize structure.

D. Non-winning Play Symbols will all be different.

E. Non-winning Prize Symbols will never appear more than one (1) time.

F. The "GIFT" Play Symbol will only appear as dictated by the prize structure.

G. Non-winning Prize Symbols will never be the same as the winning Prize Symbol(s).

2.3 Procedure for Claiming Prizes.

A. To claim a "HOLIDAY CHEER" Instant Game prize of \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$40.00, or \$100, a claimant shall sign the back of the Ticket in the space designated on the Ticket and present the winning Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$40.00 or \$100 Ticket. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "HOLIDAY CHEER" Instant Game prize of \$3,000, the claimant must sign the winning Ticket and present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "HOLIDAY CHEER" Instant Game prize, the claimant must sign the winning Ticket, thoroughly complete a claim form, and mail both to: Texas Lottery Commission, Post Office Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct:

1. A sufficient amount from the winnings of a prize winner who has been finally determined to be:

a. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

b. in default on a loan made under Chapter 52, Education Code; or

c. in default on a loan guaranteed under Chapter 57, Education Code; and

2. delinquent child support payments from the winnings of a prize winner in the amount of the delinquency as determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "HOLIDAY CHEER" Instant Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "HOLIDAY CHEER" Instant Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Tickets ordered. The number of actual prizes available in a game may vary based on number of Tickets manufactured, testing, distribution, sales, and number of prizes claimed. An Instant Game Ticket may continue to be sold even when all the top prizes have been claimed.

3.0 Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game Ticket in the space designated, a Ticket shall be owned by the physical possessor of said Ticket. When a signature is placed on the back of the Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Ticket in the space designated. If more than one name appears on the back of the Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Instant Game Tickets and shall not be required to pay on a lost or stolen Instant Game Ticket.

4.0 Number and Value of Instant Prizes. There will be approximately 14,160,000 Tickets in the Instant Game No. 1560. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 1560 - 4.0

| Prize Amount | Approximate Number of Winners* | Approximate Odds are 1 in** |
|--------------|--------------------------------|-----------------------------|
| \$1 | 1,888,000 | 7.50 |
| \$2 | 944,000 | 15.00 |
| \$5 | 188,800 | 75.00 |
| \$10 | 94,400 | 150.00 |
| \$20 | 47,200 | 300.00 |
| \$40 | 38,350 | 369.23 |
| \$100 | 2,950 | 4,800.00 |
| \$3,000 | 20 | 708,000.00 |

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.42. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Instant Game. The Executive Director may, at any time, announce a closing date (end date) for the Instant Game No. 1560 without advance notice, at which point no further Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Instant Game closing procedures and the Instant Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing an Instant Game Ticket, the player agrees to comply with, and abide by, these Game Procedures for Instant Game No. 1560, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401, and all final decisions of the Executive Director.

TRD-201302825

Bob Biard

General Counsel

Texas Lottery Commission

Filed: July 9, 2013



Instant Game Number 1561 "Sapphire 7's"

1.0 Name and Style of Game.

A. The name of Instant Game No. 1561 is "SAPPHIRE 7'S". The play style is "multiple games".

1.1 Price of Instant Ticket.

A. Tickets for Instant Game No. 1561 shall be \$5.00 per Ticket.

1.2 Definitions in Instant Game No. 1561.

A. Display Printing - That area of the Instant Game Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Ticket.

C. Play Symbol - One of the symbols which appears under the Latex Overprint on the front of the Ticket. Each Play Symbol is printed in symbol font in black ink in positive except for dual-image games. The possible Black Play Symbols are: 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, BLACK 7 SYMBOL, LEMON SYMBOL, POT OF GOLD SYMBOL, DIAMOND SYMBOL, GRAPES SYMBOL, ORANGE SYMBOL, 7 SYMBOL, DOLLAR BILL SYMBOL, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, \$2,000 and \$70,000. The possible Blue Play Symbols are: 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, BLUE 7 SYMBOL, APPLE SYMBOL, HORSESHOE SYMBOL, WATERMELON SYMBOL, COIN SYMBOL, STAR SYMBOL, 7 SYMBOL and CLOVER SYMBOL.

D. Play Symbol Caption - The small printed material appearing below each Play Symbol which explains the Play Symbol. One and only one of these Play Symbol Captions appears under each Play Symbol and each is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 1561 - 1.2D

| PLAY SYMBOLS | CAPTION |
|---------------------|----------------|
| \$5.00 (BLACK) | FIVE\$ |
| \$10.00 (BLACK) | TEN\$ |
| \$20.00 (BLACK) | TWENTY |
| \$25.00 (BLACK) | TWY FIV |
| \$50.00 (BLACK) | FIFTY |
| \$100 (BLACK) | ONE HUND |
| \$500 (BLACK) | FIV FUND |
| \$2,000 (BLACK) | TWO THOU |
| \$70,000 (BLACK) | 70 THOU |
| 1 (BLACK) | ONE |
| 2 (BLACK) | TWO |
| 3 (BLACK) | THR |
| 4 (BLACK) | FOR |
| 5 (BLACK) | FIV |
| 6 (BLACK) | SIX |
| 8 (BLACK) | EGT |
| 9 (BLACK) | NIN |
| 10 (BLACK) | TEN |
| 11 (BLACK) | ELV |
| 12 (BLACK) | TLV |
| 13 (BLACK) | TRN |
| 14 (BLACK) | FTN |
| 15 (BLACK) | FFN |
| 16 (BLACK) | SXN |
| 18 (BLACK) | ETN |
| 19 (BLACK) | NTN |
| 20 (BLACK) | TWY |
| 21 (BLACK) | TWON |
| 22 (BLACK) | TWTO |
| 23 (BLACK) | TWTH |
| 24 (BLACK) | TWFR |
| 25 (BLACK) | TWV |
| BLACK 7 SYMBOL | BLK SVN |
| 1 (BLUE) | ONE |
| 2 (BLUE) | TWO |
| 3 (BLUE) | THR |
| 4 (BLUE) | FOR |
| 5 (BLUE) | FIV |
| 6 (BLUE) | SIX |
| 8 (BLUE) | EGT |
| 9 (BLUE) | NIN |
| 10 (BLUE) | TEN |
| 11 (BLUE) | ELV |
| 12 (BLUE) | TLV |
| 13 (BLUE) | TRN |
| 14 (BLUE) | FTN |

| | |
|----------------------------|---------|
| 15 (BLUE) | FFN |
| 16 (BLUE) | SXN |
| 18 (BLUE) | ETN |
| 19 (BLUE) | NTN |
| 20 (BLUE) | TWY |
| 21 (BLUE) | TWON |
| 22 (BLUE) | TWTO |
| 23 (BLUE) | TWTH |
| 24 (BLUE) | TWFR |
| 25 (BLUE) | TWV |
| BLUE 7 SYMBOL | BLU SVN |
| LEMON SYMBOL (BLACK) | LEMON |
| POT OF GOLD SYMBOL (BLACK) | POTGOLD |
| DIAMOND SYMBOL (BLACK) | DIAMOND |
| GRAPES SYMBOL (BLACK) | GRAPES |
| ORANGE SYMBOL (BLACK) | ORANGE |
| DOLLAR BILL SYMBOL (BLACK) | BILL |
| APPLE SYMBOL (BLUE) | APPLE |
| HORSESHOE SYMBOL (BLUE) | -SHOE- |
| WATERMELON SYMBOL (BLUE) | WTRMLN |
| COIN SYMBOL (BLUE) | COIN |
| STAR SYMBOL (BLUE) | STAR |
| 7 SYMBOL (BLUE) | BLU SVN |
| CLOVER SYMBOL (BLUE) | CLOVER |
| 7 SYMBOL (BLACK) | BLK SVN |

E. Serial Number - A unique 14 (fourteen) digit number appearing under the latex scratch-off covering on the front of the Ticket. There will be a four (4)-digit "security number" which will be individually boxed and randomly placed within the number. The remaining ten (10) digits of the Serial Number are the Validation Number. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 00000000000000.

F. Low-Tier Prize - A prize of \$5.00, \$10.00 or \$20.00.

G. Mid-Tier Prize - A prize of \$25.00, \$50.00, \$100 or \$500.

H. High-Tier Prize - A prize of \$2,000 or \$70,000.

I. Bar Code - A 24 (twenty-four) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Ticket.

J. Pack-Ticket number - A 14 (fourteen) digit number consisting of the four (4) digit game number (1561), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 1561-0000001-001.

K. Pack - A Pack of "SAPPHIRE 7'S" Instant Game Tickets contain 075 Tickets, which are packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of

Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

L. Non-Winning Ticket - A Ticket which is not programmed to be a winning Ticket or a Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401.

M. Ticket or Instant Game Ticket, or Instant Ticket - A Texas Lottery "SAPPHIRE 7'S" Instant Game No. 1561 Ticket.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Ticket validation requirements set forth in Texas Lottery Rule §401.302, Instant Game Rules, these Game Procedures, and the requirements set out on the back of each Instant Ticket. A prize winner in the "SAPPHIRE 7'S" Instant Game is determined once the latex on the Ticket is scratched off to expose up to 52 (fifty-two) possible Play Symbols. GAME 1: If a player matches any of YOUR NUMBERS Play Symbols to either of the WINNING NUMBERS Play Symbol, win the PRIZE for that number. If a player reveals a BLACK "7" Play Symbol, the player wins the PRIZE for that symbol instantly. If a player reveals a BLUE "7" Play Symbol, the player wins DOUBLE the PRIZE for that symbol. GAME 2: If a player reveals 3 BLACK "7" Play Symbols within a SPIN, the player wins the PRIZE for that

SPIN. If the player reveals 3 BLUE "7" Play Symbols within a SPIN, the player wins DOUBLE the PRIZE for that SPIN. GAME 3: If the player reveals three "7" Play Symbols in any one row, column or diagonal, the player wins the PRIZE. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Instant Game.

2.1 Instant Ticket Validation Requirements.

A. To be a valid Instant Game Ticket, all of the following requirements must be met:

1. Exactly 52 (fifty-two) possible Play Symbols must appear under the Latex Overprint on the front portion of the Ticket;
2. Each of the Play Symbols must be present in its entirety and be fully legible;
3. Each of the Play Symbols must be printed in black ink;
4. The Ticket shall be intact;
5. The Serial Number, Retailer Validation Code and Pack-Ticket number must be present in their entirety and be fully legible;
6. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Ticket;
7. The Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
8. The Ticket must not be counterfeit in whole or in part;
9. The Ticket must have been issued by the Texas Lottery in an authorized manner;
10. The Ticket must not have been stolen, nor appear on any list of omitted Tickets or non-activated Tickets on file at the Texas Lottery;
11. The Play Symbols, Serial Number, Retailer Validation Code and Pack-Ticket number must be right side up and not reversed in any manner;
12. The Ticket must be complete and not miscut and have 52 (fifty-two) possible Play Symbols under the Latex Overprint on the front portion of the Ticket, exactly one Serial Number, exactly one Retailer Validation Code, and exactly one Pack-Ticket number on the Ticket;
13. The Serial Number of an apparent winning Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Tickets, and a Ticket with that Serial Number shall not have been paid previously;
14. The Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;
15. Each of the 52 (fifty-two) possible Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
16. Each of the 52 (fifty-two) possible Play Symbols on the Ticket must be printed in the symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Ticket Serial Numbers must be printed in the serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Ticket number must be printed in the Pack-Ticket number font and must correspond precisely to the artwork on file at the Texas Lottery;
17. The Display Printing on the Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and
18. The Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award

of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Instant Game Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Ticket. In the event a defective Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Ticket with another unplayed Ticket in that Instant Game (or a Ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. ALL GAMES: Players can win up to seventeen (17) times on a Ticket in accordance with the approved prize structure.

B. ALL GAMES: Adjacent Non-Winning Tickets within a Pack will not have identical Play and Prize Symbol patterns. Two (2) Tickets have identical Play and Prize Symbol patterns if they have the same Play and Prize Symbols in the same positions.

C. ALL GAMES: No Ticket will ever contain more than three (3) matching non-winning Prize Symbols.

D. ALL GAMES: The top Prize Symbol will appear on every Ticket unless otherwise restricted by other parameters, play actions or prize structure.

E. GAME 1: Non-winning Prize Symbols will never be the same as the winning Prize Symbol(s).

F. GAME 1: Each game will contain two (2) different "WINNING NUMBERS" Play Symbols.

G. GAME 1: The "BLACK 7" and "BLUE 7" Play Symbols will never appear in the "WINNING NUMBERS" Play Symbol spots.

H. GAME 1: The "BLUE 7" Play Symbol will only appear as dictated by the prize structure.

I. GAME 1: Non-winning games will contain twelve (12) different "YOUR NUMBERS" Play Symbols.

J. GAME 1: On winning games, non-winning "YOUR NUMBERS" Play Symbols will all be different.

K. GAME 1: No prize amount in a non-winning spot will correspond with the "YOUR NUMBERS" Play Symbol (i.e., 5 and \$5).

L. GAME 1: When comparing Play Symbols only consider their numerical value, as they will have the same value regardless of the color (with the exception of the "BLACK 7" and "BLUE 7" Play Symbols).

M. GAME 1: No game will have any BLUE "WINNING NUMBERS" Play Symbols.

N. GAME 1: BLUE "YOUR NUMBERS" Play Symbols will never match any BLACK "WINNING NUMBERS" Play Symbols.

O. GAME 1: All games will contain at least five (5) BLUE "YOUR NUMBERS" Play Symbols numbers unless restricted by the prize structure or other parameters.

P. GAME 2: Non-winning Prize Symbols will never be the same as the winning Prize Symbol(s).

Q. GAME 2: No Ticket will contain an occurrence of 3 (three) or more consecutive matching Play Symbols vertically or diagonally (regardless of color - all "7" Play Symbols are considered the same Play Symbol), unless restricted by the prize structure or other parameters.

R. GAME 2: Non-winning Play Symbols will never appear more than two (2) times (with the exception of the "BLACK 7" and "BLUE 7" Play Symbols).

S. GAME 2: There will be no duplicate non-winning SPINS in a game. Non-winning SPINS are considered duplicate if the same Play Symbols appear in the same order in both SPINS.

T. GAME 2: The three (3) "BLACK 7" or "BLUE 7" Play Symbols will only appear within a SPIN as dictated by the prize structure.

U. GAME 2: All games will contain at least five (5) BLUE Play Symbols unless restricted by the prize structure or other parameters.

V. GAME 2: There will be no occurrence of three (3) "7" Play Symbols of mixed colors in any SPIN.

W. GAME 3: No game will ever contain two (2) or more duplicate Play Symbols (with the exception of the "7" Play Symbol).

X. GAME 3: Non-winning games will contain two (2) "7" Play Symbols in at least one (1) row, column or diagonal.

Y. GAME 3: Non-winning games will contain at least four (4) "7" Play Symbol, at least one (1) of which is in the top horizontal row.

Z. GAME 3: Winning games will have only one occurrence of three (3) "7" Play Symbols in any row, column, or diagonal.

2.3 Procedure for Claiming Prizes.

A. To claim a "SAPPHIRE 7'S" Instant Game prize of \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100 or \$500, a claimant shall sign the back of the Ticket in the space designated on the Ticket and present the winning Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Ticket; provided that the Texas Lottery Retailer may, but is not required to, pay a \$25.00, \$50.00, \$100 or \$500 Ticket. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and 2.3.C of these Game Procedures.

B. To claim a "SAPPHIRE 7'S" Instant Game prize of \$2,000 or \$70,000, the claimant must sign the winning Ticket and present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "SAPPHIRE 7'S" Instant Game prize, the claimant must sign the winning Ticket, thoroughly complete a claim form, and mail both to: Texas Lottery Commission, Post Office Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct:

1. a sufficient amount from the winnings of a prize winner who has been finally determined to be:

a. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

b. in default on a loan made under Chapter 52, Education Code; or

c. in default on a loan guaranteed under Chapter 57, Education Code; and

2. delinquent child support payments from the winnings of a prize winner in the amount of the delinquency as determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "SAPPHIRE 7'S" Instant Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "SAPPHIRE 7'S" Instant Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Tickets ordered. The number of actual prizes available in a game may vary based on number of Tickets manufactured, testing, distribution, sales and number of prizes claimed. An Instant Game Ticket may continue to be sold even when all the top prizes have been claimed.

3.0 Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game Ticket in the space designated therefor, a Ticket shall be owned by the physical possessor of said Ticket. When a signature is placed on the back of the Ticket in the space designated therefor, the player whose signature appears in that area shall be the owner of the Ticket and shall be entitled to any prize attributable thereto. Notwith-

standing any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Ticket in the space designated therefore. If more than one name appears on the back of the Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Instant Game Tickets and shall not be required to pay on a lost or stolen Instant Game Ticket.

4.0 Number and Value of Instant Prizes. There will be approximately 8,040,000 Tickets in the Instant Game No. 1561. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 1561 - 4.0

| Prize Amount | Approximate Number of Winners* | Approximate Odds are 1 in** |
|--------------|--------------------------------|-----------------------------|
| \$5 | 964,800 | 8.33 |
| \$10 | 1,072,000 | 7.50 |
| \$20 | 160,800 | 50.00 |
| \$25 | 100,500 | 80.00 |
| \$50 | 67,000 | 120.00 |
| \$100 | 14,740 | 545.45 |
| \$500 | 938 | 8,571.43 |
| \$2,000 | 105 | 76,571.43 |
| \$70,000 | 8 | 1,005,000.00 |

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.38. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Instant Game. The Executive Director may, at any time, announce a closing date (end date) for the Instant Game No. 1561 without advance notice, at which point no further Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Instant Game closing procedures and the Instant Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing an Instant Game Ticket, the player agrees to comply with, and abide by, these Game Procedures for Instant Game No. 1561, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401, and all final decisions of the Executive Director.

TRD-201302813

Bob Biard

General Counsel

Texas Lottery Commission

Filed: July 8, 2013



Instant Game Number 1568 "Cash Machine"

1.0 Name and Style of Game.

A. The name of Instant Game No. 1568 is "CASH MACHINE". The play style is "key number match".

1.1 Price of Instant Ticket.

A. Tickets for Instant Game No. 1568 shall be \$5.00 per Ticket.

1.2 Definitions in Instant Game No. 1568.

A. Display Printing - That area of the Instant Game Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Ticket.

C. Play Symbol - The printed data under the latex on the front of the Instant Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, MONEY BAG SYMBOL, STACK OF CASH SYMBOL, \$5.00, \$10.00, \$15.00, \$20.00, \$40.00, \$50.00, \$100, \$500, \$1,000 and \$100,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 1568 - 1.2D

| PLAY SYMBOL | CAPTION |
|----------------------|---------|
| 1 | ONE |
| 2 | TWO |
| 3 | THR |
| 4 | FOR |
| 5 | FIV |
| 6 | SIX |
| 7 | SVN |
| 8 | EGT |
| 9 | NIN |
| 10 | TEN |
| 11 | ELV |
| 12 | TLV |
| 13 | TRN |
| 14 | FTN |
| 15 | FFN |
| 16 | SXN |
| 17 | SVT |
| 18 | ETN |
| 19 | NTN |
| 20 | TWY |
| 21 | TWON |
| 22 | TWTO |
| 23 | TWTH |
| 24 | TWFR |
| 25 | TWV |
| 26 | TWSX |
| 27 | TWSV |
| 28 | TWET |
| 29 | TWNI |
| 30 | TRTY |
| 31 | TRON |
| 32 | TRTO |
| 33 | TRTH |
| 34 | TRFR |
| 35 | TRV |
| 36 | TRSX |
| 37 | TRSV |
| 38 | TRET |
| 39 | TRNI |
| 40 | FRTY |
| MONEY BAG SYMBOL | MBAG |
| STACK OF CASH SYMBOL | DOUBLE |
| \$5.00 | FIVES\$ |
| \$10.00 | TENS\$ |
| \$15.00 | FIFTN |
| \$20.00 | TWENTY |

| | |
|-----------|----------|
| \$40.00 | FORTY |
| \$50.00 | FIFTY |
| \$100 | ONE HUND |
| \$500 | FIV HUND |
| \$1,000 | ONE THOU |
| \$100,000 | HUN THOU |

E. Serial Number - A unique 14 (fourteen) digit number appearing under the latex scratch-off covering on the front of the Ticket. There will be a four (4)-digit "security number" which will be individually boxed and randomly placed within the number. The remaining ten (10) digits of the Serial Number are the Validation Number. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 00000000000000.

F. Low-Tier Prize - A prize of \$5.00, \$10.00 or \$20.00.

G. Mid-Tier Prize - A prize of \$50.00, \$100 or \$500.

H. High-Tier Prize - A prize of \$1,000 or \$100,000.

I. Bar Code - A 24 (twenty-four) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Ticket.

J. Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (1568), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 1568-0000001-001.

K. Pack - A Pack of "CASH MACHINE" Instant Game Tickets contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

L. Non-Winning Ticket - A Ticket which is not programmed to be a winning Ticket or a Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401.

M. Ticket or Instant Game Ticket, or Instant Ticket - A Texas Lottery "CASH MACHINE" Instant Game No. 1568 Ticket.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Ticket validation requirements set forth in Texas Lottery Rule §401.302, Instant Game Rules, these Game Procedures, and the requirements set out on the back of each Instant Ticket. A prize winner in the "CASH MACHINE" Instant Game is determined once the latex on the Ticket is scratched off to expose 45 (forty-five) Play Symbols. If a player matches any of YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If a player reveals a "MONEY BAG" Play Symbol, the player wins the prize for that symbol. If a player reveals a "STACK OF CASH" Play Symbol, the player wins DOUBLE the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Instant Game.

2.1 Instant Ticket Validation Requirements.

A. To be a valid Instant Game Ticket, all of the following requirements must be met:

1. Exactly 45 (forty-five) Play Symbols must appear under the Latex Overprint on the front portion of the Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Ticket shall be intact;
6. The Serial Number, Retailer Validation Code and Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Ticket;
8. The Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Ticket must not be counterfeit in whole or in part;
10. The Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Ticket must not have been stolen, nor appear on any list of omitted Tickets or non-activated Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number, Retailer Validation Code and Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Ticket must be complete and not miscut and have exactly 45 (forty-five) Play Symbols under the Latex Overprint on the front portion of the Ticket, exactly one Serial Number, exactly one Retailer Validation Code, and exactly one Pack-Ticket Number on the Ticket;
14. The Serial Number of an apparent winning Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Tickets, and a Ticket with that Serial Number shall not have been paid previously;
15. The Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;
16. Each of the 45 (forty-five) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;
17. Each of the 45 (forty-five) Play Symbols on the Ticket must be printed in the symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Ticket Serial Numbers must be printed in the serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Ticket Number must be printed in the

Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Instant Game Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Ticket. In the event a defective Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Ticket with another unplayed Ticket in that Instant Game (or a Ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. Players can win up to twenty (20) times on a Ticket in accordance with the approved prize structure.

B. Adjacent Non-Winning Tickets within a Pack will not have identical Play and Prize Symbol patterns. Two (2) Tickets have identical Play and Prize Symbol patterns if they have the same symbols in the same positions.

C. Each Ticket will have five (5) different WINNING NUMBERS Play Symbols.

D. Non-winning YOUR NUMBERS Play Symbols will all be different.

E. Non-winning Prize Symbols will never appear more than three (3) times.

F. The "MONEY BAG" (auto win) and "STACK OF CASH" (win double) Play Symbols will never appear in the WINNING NUMBERS Play Symbol spots.

G. The "STACK OF CASH" Play Symbol (win double) will only appear as dictated by the prize structure.

H. Non-winning Prize Symbols will never be the same as the winning Prize Symbol(s).

I. The Top Prize Symbol will appear on every Ticket unless otherwise restricted by other parameters, play action or prize structure.

J. No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 5 and \$5).

2.3 Procedure for Claiming Prizes.

A. To claim a "CASH MACHINE" Instant Game prize of \$5.00, \$10.00, \$20.00, \$50.00, \$100 or \$500, a claimant shall sign the back of the Ticket in the space designated on the Ticket and present the winning Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$100 or \$500 Ticket. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check

shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "CASH MACHINE" Instant Game prize of \$1,000 or \$100,000, the claimant must sign the winning Ticket and present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "CASH MACHINE" Instant Game prize, the claimant must sign the winning Ticket, thoroughly complete a claim form, and mail both to: Texas Lottery Commission, Post Office Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct:

1. A sufficient amount from the winnings of a prize winner who has been finally determined to be:

a. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

b. in default on a loan made under Chapter 52, Education Code; or

c. in default on a loan guaranteed under Chapter 57, Education Code; and

2. delinquent child support payments from the winnings of a prize winner in the amount of the delinquency as determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "CASH MACHINE" Instant Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "CASH MACHINE" Instant Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Tickets ordered. The number of actual prizes available in a game may vary based on number of Tickets manufactured, testing, distribution, sales and number of prizes claimed. An Instant Game Ticket may continue to be sold even when all the top prizes have been claimed.

3.0 Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game Ticket in the space designated, a Ticket shall be owned by the physical possessor of said Ticket. When a signature is placed on the back of the Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Ticket in the space designated. If more than one name appears on the back of the Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Instant Game Tickets and shall not be required to pay on a lost or stolen Instant Game Ticket.

4.0 Number and Value of Instant Prizes. There will be approximately 7,080,000 Tickets in the Instant Game No. 1568. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 1568 - 4.0

| Prize Amount | Approximate Number of Winners* | Approximate Odds are 1 in** |
|--------------|--------------------------------|-----------------------------|
| \$5 | 755,200 | 9.38 |
| \$10 | 1,132,800 | 6.25 |
| \$20 | 188,800 | 37.50 |
| \$50 | 47,200 | 150.00 |
| \$100 | 17,700 | 400.00 |
| \$500 | 531 | 13,333.33 |
| \$1,000 | 100 | 70,800.00 |
| \$100,000 | 7 | 1,011,428.57 |

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.30. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Instant Game. The Executive Director may, at any time, announce a closing date (end date) for the Instant Game No. 1568 without advance notice, at which point no further Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Instant Game closing procedures and the Instant Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing an Instant Game Ticket, the player agrees to comply with, and abide by, these Game Procedures for Instant Game No. 1568, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC Chapter 401, and all final decisions of the Executive Director.

TRD-201302854

Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: July 10, 2013

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Texas Parks and Wildlife Department

Notice of Proposed Real Estate Transactions

Land Acquisition - Anderson County

In a meeting on August 22, 2013, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 118 acres of land in Anderson County for addition to the Engeling Wildlife Management Area. At this meeting, the public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, pub-

lic comment may be submitted to Corky Kuhlmann, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744 or by email at corky.kuhlmann@tpwd.texas.gov or through the TPWD web site at tpwd.texas.gov.

Land Acquisition - Gonzales County

In a meeting on August 22, 2013, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 11 acres of land in Gonzales County for addition to Palmetto State Park. At this meeting, the public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Lana Marbach, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744 or by email at lana.marbach@tpwd.texas.gov or through the TPWD web site at tpwd.texas.gov.

Land Acquisition - Cochran County

In a meeting on August 22, 2013, the Texas Parks and Wildlife Commission (the Commission) will consider authorizing the acquisition of approximately 1600 acres of land in Cochran County for addition to the Yoakum Dunes Preserve. At this meeting, the public will have an opportunity to comment on the proposed transaction before the Commission takes action. The meeting will start at 9:00 a.m. at the Texas Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin, Texas 78744. Prior to the meeting, public comment may be submitted to Corky Kuhlmann, Land Conservation, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744 or by email at corky.kuhlmann@tpwd.texas.gov or through the TPWD web site at tpwd.texas.gov.

TRD-201302855

Ann Bright

General Counsel

Texas Parks and Wildlife Department

Filed: July 10, 2013

Public Utility Commission of Texas

Notice of Application for a Service Provider Certificate of Operating Authority

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on July 8, 2013, for a service provider certificate of operating authority (SPCOA), pursuant to §§54.151 - 54.156 of the Public Utility Regulatory Act (PURA).

Docket Title and Number: Application of Network Enhanced Telecom, LLP for a Service Provider Certificate of Operating Authority, Docket Number 41658.

Applicant intends to provide data-only facilities-based and resale telecommunications services.

Applicant proposes to provide service within the entire State of Texas, beginning in the Dallas, Longview, and Houston LATAs.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at 1-888-782-8477 no later than July 26, 2013. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll-free at 1-800-735-2989. All comments should reference Docket Number 41658.

TRD-201302849

Adriana A. Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: July 10, 2013

Notice of Application for Retail Electric Provider Certification

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on July 3, 2013, for retail electric provider (REP) certification, pursuant to Public Utility Regulatory Act §39.352.

Docket Title and Number: Application of Pioneer Power, LLC for Retail Electric Provider Certification, Docket Number 41636.

Applicant's requested service area by geography includes the entire state of Texas.

Persons wishing to comment upon the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll free at (888) 782-8477 no later than August 19, 2013. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll free at (800) 735-2989. All comments should reference Docket Number 41636.

TRD-201302844

Adriana A. Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: July 10, 2013

Notice of Application for Waiver from Requirements

Notice is given to the public of an application filed on July 2, 2013 with the Public Utility Commission of Texas for waiver from the requirements in P.U.C. Substantive Rule §26.420(f)(3)(A).

Docket Style and Number: Application of TRANSTELCO, Inc. for Waiver to Apply Safe Harbor Percentage to Calculate Texas Universal Service Fund (TUSF) Assessment Pursuant to P.U.C. Substantive Rule §26.420(f). Docket Number 41634.

The Application: TRANSTELCO, Inc. (applicant) provides commercial Voice over Internet Protocol services (VoIP). Applicant has elected to use the safe-harbor percentage approved by the commission for its classification of telecommunications service provided. Applicant indicated it has no method to determine assessable TUSF intrastate receipts other than by the use of the safe harbor percentage. Applicant requests that the commission grant it a permanent waiver under the P.U.C. Substantive Rule §26.420(f)(3)(B)(ii) from the requirements contained in P.U.C. Substantive Rule §26.420(f)(3)(A) to allow applicant to use the commission-ordered safe-harbor TUSF assessment methodology to calculate TUSF assessments.

Persons wishing to comment on the action sought or intervene should contact the Public Utility Commission of Texas by July 29, 2013, by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at 1-888-782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or use Relay Texas (toll-free) 1-800-735-2989. All comments should reference Docket Number 41634.

TRD-201302831

Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: July 9, 2013



Notice of Application to Amend a Certificate of Convenience and Necessity for a Proposed Transmission Line

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application on July 3, 2013, to amend certificates of convenience and necessity for a proposed transmission line in Hidalgo and Cameron Counties, Texas.

Docket Style and Number: Joint Application of Electric Transmission Texas, LLC and Sharyland Utilities, L.P. to Amend Their Certificates of Convenience and Necessity for the North Edinburg to Loma Alta Double-Circuit 345-kV Transmission Line within Hidalgo and Cameron Counties, P.U.C. Docket Number 41606; SOAH Docket Number 473-13-5207.

The Application: The joint application of Electric Transmission Texas, LLC (ETT) and Sharyland Utilities, L.P. (Sharyland) is designated as the North Edinburg to Loma Alta Double-Circuit 345-kV transmission line project. The project will be constructed from the existing American Electric Power Texas Central Company (AEP TCC) North Edinburg Substation located in Hidalgo County north of the City of Edinburg, and will extend to the existing Brownsville Public Utilities Board (BPUB) Loma Alta Substation located east of the City of Brownsville. Sharyland will construct a new 345-kV station adjacent to the existing 138-kV Loma Alta Substation for the termination of the project. ETT will construct and own the western half of the new transmission line, and Sharyland will construct and own the eastern half of the new transmission line. Joint applicants plan to construct the transmission line primarily on steel single-pole structures. The total estimated cost for the project ranges from approximately \$314 million to \$405 million. The estimated date to energize facilities for the proposed project is June 30, 2016.

The proposed project is presented with thirty-two (32) alternate routes ranging from approximately 96.3 miles to approximately 124.5 miles. All routes and route segments included in the application are available for selection and approval by the commission. The Electric Reliability Council of Texas (ERCOT) Board of Directors has deemed the project to be critical to the reliability of the Lower Rio Grande Valley. Pursuant to P.U.C. Substantive Rule §25.101(b)(3)(D), the commission must issue a final order in this docket before the 181st day after the date the application is filed with the commission.

Persons wishing to intervene or comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at (888) 782-8477. The deadline for intervention in this proceeding is August 19, 2013. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or use Relay Texas (toll-free) (800) 735-2989. All comments should reference P.U.C. Docket Number 41606; SOAH Docket Number 473-13-5207.

TRD-201302827
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: July 9, 2013



Notice of Application to Amend Certificated Service Area Boundaries

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application filed on July 1, 2013, for an amendment to certificated service area boundaries within Hays County, Texas.

Docket Style and Number: Joint Application of the City of San Marcos and Pedernales Electric Cooperative, Inc. to amend a Certificate of Convenience and Necessity for Service Area Boundaries within Hays County. Docket Number 41633.

The Application: The proposed boundary change is to transfer tracts of land to Pedernales Electric Cooperative, Inc. (PEC) from the City of San Marcos Electric Utility (SMEC) to avoid having service area boundaries divide a subdivision. The boundary change will reduce confusion and provide convenience for electric service because there would be one utility service provider rather than two within the Majestic Estates Subdivision. The SMEC service area being transferred to PEC affects three vacant tracts. There is no existing service in the area and these properties are undeveloped land.

Persons wishing to comment on the action sought or intervene should contact the Public Utility Commission of Texas no later than July 29, 2013 by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or use Relay Texas (toll-free) (800) 735-2989. All comments should reference Docket Number 41633.

TRD-201302830
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: July 9, 2013



Notice of Application to Relinquish a Service Provider Certificate of Operating Authority

On July 8, 2013, VarTec Telecom, Inc. (applicant) filed an application with the Public Utility Commission of Texas (commission) to amend its service provider certificate of operating authority (SPCOA) Number 60252. Applicant seeks to relinquish the certificate. Applicant stated that the company has been purchased by Matrix Telecom, Inc.

The Application: Application of VarTec Telecom, Inc. to Relinquish its Service Provider Certificate of Operating Authority, Docket Number 41656.

Persons wishing to comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at 1-888-782-8477 no later than July 26, 2013. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll-free at 1-800-735-2989. All comments should reference Docket Number 41656.

TRD-201302847
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: July 10, 2013



Notice of Application to Relinquish a Service Provider Certificate of Operating Authority

On July 8, 2013, Excel Telecommunications, Inc. (applicant) filed an application with the Public Utility Commission of Texas (commission) to amend its service provider certificate of operating authority (SPCOA) Number 60228. Applicant seeks to relinquish the certificate. Applicant stated that the company has been purchased by Matrix Telecom, Inc.

The Application: Application of Excel Telecommunications, Inc. to Relinquish its Service Provider Certificate of Operating Authority, Docket Number 41657.

Persons wishing to comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at 1-888-782-8477 no later than July 26, 2013. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll-free at 1-800-735-2989. All comments should reference Docket Number 41657.

TRD-201302848
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: July 10, 2013



Notice of Complaint of Commission Staff Regarding Informational Notice Filing of Consolidated Communications of Fort Bend Pursuant to P.U.C. Substantive Rule §26.227(d)-(e)

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of a complaint on July 1, 2013, regarding the informational notice filing of Consolidated Communications of Fort Bend pursuant to Public Utility Commission Substantive Rule §26.227(d)-(e).

Docket Title and Number: Commission Staff's Complaint Regarding the Informational Notice Filing of Consolidated Communications of Fort Bend Pursuant to P.U.C. Substantive Rule §26.227(d)-(e), Docket Number 41627.

The Complaint: Commission staff filed a complaint regarding the informational notice filings of Consolidated Communications of Fort Bend (CCFB) pursuant to P.U.C. Procedural Rule §26.227(d)-(e). Commission staff stated the purpose of this proceeding is to initiate a contested case in order to address the sufficiency and appropriateness of CCFB's informational notice filings and to address whether CCFB's filing is in compliance with the Public Utility Regulatory Act, TEXAS UTILITY CODE ANNOTATED §§11.001 - 66.016 (Vernon 2007 & Supplement 2012) (PURA) and commission rules.

Commission Staff stated that CCFB is an electing company under PURA and as such is allowed pricing flexibility with limited exceptions to the rules regarding tariffs for regulated services. Specifically, on May 3, 2013, CCFB filed *Informational Notice of Consolidated Communications of Fort Bend for Pricing Flexibility for a Package of Basic Service, Pursuant to §58.060, §58.063 and Substantive Rule §26.226*, Tariff Control Number 41458 (pending) indicating intent to exercise pricing flexibility by creating a new package comprised of basic local service and touch tone dialing, both regulated services. However, commission staff contends that the new package will be priced \$7 to \$10 higher than customers were paying for the package's component service on the date the informational notice was filed.

Commission staff requests that the commission determine that CCFB has not amended and cannot amend its tariffed local service rate through an informational notice filing.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326 or call the Commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477 on or before July 30, 2013. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or use Relay Texas (toll-free) 1-800-735-2989. All correspondence should refer to Docket Number 41627.

TRD-201302828
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: July 9, 2013



Notice of Complaint of Commission Staff Regarding Informational Notice Filing of Consolidated Communications of Texas Pursuant to P.U.C. Substantive Rule §26.227(d)-(e)

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of a complaint on July 1, 2013, regarding the informational notice filing of Consolidated Communications of Texas pursuant to Public Utility Commission Substantive Rule §26.227(d)-(e).

Docket Title and Number: Commission Staff's Complaint Regarding the Informational Notice Filing of Consolidated Communications of Texas Pursuant to P.U.C. Substantive Rule §26.227(d)-(e), Docket Number 41628.

The Complaint: Commission staff filed a complaint regarding the informational notice filings of Consolidated Communications of Texas (CCTX) pursuant to P.U.C. Procedural Rule §26.227(d)-(e). Commission staff stated the purpose of this proceeding is to initiate a contested case in order to address the sufficiency and appropriateness of CCTX's informational notice filings and to address whether CCTX's filing is in compliance with the Public Utility Regulatory Act, TEXAS UTILITY CODE ANNOTATED §§11.001 - 66.016 (Vernon 2007 & Supplement 2012) (PURA) and commission rules.

Commission staff stated that CCTX is an electing company under PURA and as such is allowed pricing flexibility with limited exceptions to the rules regarding tariffs for regulated services. Specifically, on May 3, 2013, CCTX filed *Informational Notice of Consolidated Communications of Texas for Pricing Flexibility for a Package of Basic Service, Pursuant to §58.060, §58.063 and Substantive Rule §26.226*, Tariff Control Number 41459 (pending) indicating intent to exercise pricing flexibility by creating a new package comprised of basic local service and touch tone dialing, both regulated services. However, commission staff contends that the new package will be priced \$7 to \$10 higher than customers were paying for the package's component service on the date the informational notice was filed.

Commission staff requests that the commission determine that CCTX has not amended and cannot amend its tariffed local service rate through an informational notice filing.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326 or call the Commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477 on or before July 30, 2013. Hearing and speech-impaired individuals with

text telephones (TTY) may contact the commission at (512) 936-7136 or use Relay Texas (toll-free) 1-800-735-2989. All correspondence should refer to Docket Number 41628.

TRD-201302829
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: July 9, 2013



Notice of Intent to Implement a Minor Rate Change Pursuant to P.U.C. Substantive Rule §26.171

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on July 3, 2013, to implement a minor rate change pursuant to P.U.C. Substantive Rule §26.171.

Tariff Control Title and Number: Notice of Hill Country Telephone Cooperative, Inc. for Approval of a Minor Rate Change Pursuant to P.U.C. Substantive Rule §26.171 and Public Utility Regulatory Act (PURA) Section 53, Subchapter G; Tariff Control Number 41642.

The Application: Hill Country Telephone Cooperative, Inc. (Hill Country) filed an application with the commission for revisions to its General Exchange Tariff to offer an optional extended local calling service allowing one-way calling from Hill Country exchanges into the San Antonio and San Angelo LATA-wide area. Hill Country proposed an effective date of July 20, 2013. The estimated revenue increase to be recognized by the applicant is \$24 in gross annual intrastate revenues. Hill Country has 14,076 access lines (residence and business) in service in the state of Texas.

If the commission receives a complaint(s) relating to this application signed by 5% of the affected local service customers to which this application applies by July 31, 2013, the application will be docketed. The 5% limitation will be calculated based upon the total number of customers of record as of the calendar month preceding the commission's receipt of the complaint(s).

Persons wishing to comment on this application should contact the Public Utility Commission of Texas by July 31, 2013. Requests to intervene should be filed with the commission's Filing Clerk at P.O. Box 13326, Austin, Texas 78711-3326 or you may call the commission at (512) 936-7120 or toll-free 1-800-735-2989. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. All correspondence should refer to Tariff Control Number 41642.

TRD-201302845
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: July 10, 2013



Notice of Petition for Restoration of Universal Service Funding

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application on July 5, 2013 for restoration of Universal Service Funding pursuant to Public Utility Regulatory Act (PURA) §56.025 and P.U.C. Substantive Rule §26.406.

Docket Style and Number: Application of Big Bend Telephone Company to Recover Funds from the Texas Universal Service Fund Pursuant to PURA §56.025 and P.U.C. Substantive Rule §26.406. Docket Number 41654.

The Application: Big Bend Telephone Company (BBTC) seeks recovery of funds from the Texas Universal Service Fund (TUSF) due to Federal Communications Commission (FCC) actions resulting in a reduction in the Federal Universal Service Fund (FUSF) revenues available to BBTC. The petition requests that the commission allow BBTC recovery of funds from the TUSF in the amount of \$702,268.98 to replace 2012 FUSF revenue reductions. BBTC is not seeking any additional rate increases through this proceeding.

Persons wishing to intervene or comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326 or by phone at (512) 936-7120 or toll-free at (888) 782-8477. A deadline for intervention in this proceeding will be established. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or use Relay Texas (toll-free) (800) 735-2989. All comments should reference Docket Number 41654.

TRD-201302846
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: July 10, 2013



Texas Department of Transportation

Public Hearing Notice - Unified Transportation Program

The Texas Department of Transportation (department) will hold a public hearing on Tuesday, August 6, 2013 at 10:00 a.m. at 118 East Riverside Drive, First Floor ENV Conference Room, in Austin, Texas to receive public comments on the development of the 2014 Unified Transportation Program (UTP), including the highway project selection process related to the UTP.

Transportation Code, §201.991 provides that the department shall develop a UTP covering a period of 10 years to guide the development and authorize construction of transportation projects. Transportation Code, §201.602 requires the Texas Transportation Commission (commission) to annually conduct a hearing on its highway project selection process and the relative importance of the various criteria on which the commission bases its project selection decisions. The commission has adopted rules located in Title 43, Texas Administrative Code, Chapter 16, governing the planning and development of transportation projects, which include guidance regarding public involvement related to the project selection process and the development of the UTP.

Information regarding the proposed 2014 UTP and highway project selection process will be available at each of the department's district offices, at the department's Transportation Planning and Programming Division offices located in Building 118, Second Floor, 118 East Riverside Drive, Austin, Texas or (512) 486-5038 and on the department's website at: http://www.txdot.gov/public_involvement/utp.htm

Persons wishing to speak at the hearing may register in advance by notifying the Transportation Planning and Programming Division at (512) 486-5038 not later than Monday, August 5, 2013, or they may register at the hearing location beginning at 9:00 a.m. on the day of the hearing. Speakers will be taken in the order registered. Any interested person may appear and offer comments or testimony, either orally or in writing; however, questioning of witnesses will be reserved exclusively to the presiding authority as may be necessary to ensure a complete record. While any persons with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the presiding authority reserves the right to restrict testimony in terms of time or repetitive content. Groups, organizations, or asso-

ciations should be represented by only one speaker. Speakers are requested to refrain from repeating previously presented testimony. Persons with disabilities who have special communication or accommodation needs or who plan to attend the hearing may contact the Transportation Planning and Programming Division, at 118 East Riverside Drive, Austin, Texas 78704-1205, (512) 486-5038. Requests should be made no later than three days prior to the hearing. Every reasonable effort will be made to accommodate the needs.

Interested parties who are unable to attend the hearing may submit comments regarding the proposed 2014 UTP to Marc D. Williams, Director of Planning, P.O. Box 149217, Austin, Texas 78714-9217. Interested parties may also submit comments regarding the proposed 2014 UTP by phone at (800) 687-8108. In order to be considered, all comments must be received at the Transportation Planning and Programming office by 4:00 p.m. on Monday, August 19, 2013.

TRD-201302815
Angie Parker
Associate General Counsel
Texas Department of Transportation
Filed: July 8, 2013



Public Notice - Photographic Traffic Signal Enforcement Systems: Municipal Reporting of Traffic Crashes

The Texas Department of Transportation (department) is requesting that each municipality subject to the requirements contained in Transportation Code, §707.004 provide the required data to the department **no later than October 25, 2013**, in order for the department to meet the mandated deadline for an annual report to the Texas Legislature.

Pursuant to Transportation Code, §707.004, each municipality operating a photographic traffic signal enforcement system or planning to install such a system must compile and submit to the department certain statistical information. Before installing such a system, the municipality is required to submit a written report on the number and type of traffic crashes that have occurred at the intersection over the last 18 months prior to installation. The municipality is also required to provide annual reports to the department after installation showing the number and type of crashes that have occurred at the intersection.

The department is required by Transportation Code, §707.004 to produce an annual report of the information submitted to the department by December 1 of each year.

The department has created a web page detailing municipal reporting requirements and to allow the required data to be submitted electronically:

<http://www.txdot.gov/driver/laws/red-light.html>.

For additional information contact the Texas Department of Transportation, Traffic Operations Division, 125 East 11th Street, Austin, Texas 78701-2483 or call (512) 416-3118.

TRD-201302858
Angie Parker
Associate General Counsel
Texas Department of Transportation
Filed: July 10, 2013



Revision to Notice of Intent - Environmental Impact Statement for SH 45 Southwest, Travis and Hays Counties, Texas

Pursuant to 43 TAC §2.103(a), the Texas Department of Transportation (department) issued a notice to advise the public that an Environmental Impact Statement (EIS) would be prepared for a proposed transportation project. The proposed project would construct State Highway (SH) 45 Southwest (SW) from State Loop 1 (SL 1; MoPac) to Farm-to-Market (FM) 1626 in Travis and Hays Counties, Texas, a distance of approximately three and a half miles. This notice was published in the *Texas Register* on June 21, 2013 (38 TexReg 4051).

This revision is necessary to advise the public that the EIS will be prepared by the Texas Department of Transportation (TxDOT) in conjunction with the Central Texas Regional Mobility Authority (CTRMA).

Agency Contact: Comments or questions concerning this proposed action and the EIS should be sent to Mr. Carlos Swonke, P.G., Director, Environmental Affairs Division, Texas Department of Transportation, 125 E. 11th Street, Austin, Texas 78701-2483; (512) 416-3001.

TRD-201302859
Angie Parker
Associate General Counsel
Texas Department of Transportation
Filed: July 10, 2013



Texas Water Development Board

Applications for July 2013

Pursuant to Texas Water Code §6.195, the Texas Water Development Board provides notice of the following applications:

Project ID #73644, a request from the City of Rio Grande City, 101 South Washington Street, Rio Grande City, Texas 78582, received July 3, 2012, for a loan in the amount of \$1,930,000 from the Clean Water State Revolving Fund to finance wastewater system improvements, utilizing the pre-design funding option.

Project ID #73667, a request from the San Antonio River Authority, P.O. Box 839980, San Antonio, Texas 78283-0027, received April 18, 2013, for a loan in the amount of a \$4,300,000 loan from the Clean Water State Revolving Fund to finance a watershed master plan.

Project ID #73664, a request from the San Antonio Water System, acting on the behalf of the City of San Antonio, P.O. Box 2449, San Antonio, Texas 78298-2449, received May 23, 2013, for a loan in the amount of \$60,100,000 from the Clean Water State Revolving Fund to finance wastewater system improvements, utilizing the pre-design funding option.

Project ID #62594, a request from the City of Hico, P.O. Box 533, Hico, Texas 76457-0533, received March 28, 2013, for financial assistance in the amount of \$3,035,893, consisting of a \$1,520,000 loan and \$1,515,893 in loan forgiveness from the Drinking Water State Revolving Fund to finance water system improvements, utilizing the pre-design commitment option.

Project ID #62593, a request from the San Antonio Water System, acting on the behalf of the City of San Antonio, P.O. Box 2449, San Antonio, Texas 78298-2449, received May 20, 2013, for a loan in the amount of \$26,370,000 from the Drinking Water State Revolving Fund to finance water system improvements, utilizing the pre-design commitment option.

Project ID #21733, a request from the Greater Texoma Utility Authority on behalf of the City of Ector, 5100 Airport Drive, Denison, Texas 75020-8448, received April 1, 2013, for a loan in the amount of \$340,000, from the Texas Water Development Fund to finance water system improvements, utilizing the pre-design funding option.

TRD-201302826
Kenneth Petersen
General Counsel
Texas Water Development Board
Filed: July 9, 2013



How to Use the Texas Register

Information Available: The 14 sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Secretary of State - opinions based on the election laws.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules- sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Texas Department of Banking - opinions and exempt rules filed by the Texas Department of Banking.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules- notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Review of Agency Rules - notices of state agency rules review.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 36 (2011) is cited as follows: 36 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "36 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 36 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <http://www.sos.state.tx.us>. The *Register* is available in an .html version as well as a .pdf (portable document

format) version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete TAC is available through the Secretary of State's website at <http://www.sos.state.tx.us/tac>.

The following companies also provide complete copies of the TAC: Lexis-Nexis (800-356-6548), and West Publishing Company (800-328-9352).

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §27.15: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*. The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*. If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION

Part 4. Office of the Secretary of State

Chapter 91. Texas Register

40 TAC §3.704.....950 (P)

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***Note:** Back issues of the *Texas Register*, published before September 9, 2005, must be ordered through the Texas Register Section of the Office of the Secretary of State at (512) 463-5561.

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