

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 Education Agency

Title 19, Part 2

The State Board of Education (SBOE) proposes the review of 19 TAC Chapter 100, Charters, pursuant to the Texas Government Code, §2001.039. The rules being reviewed by the SBOE in 19 TAC Chapter 100 are organized under the following subchapters: Subchapter A, Open-Enrollment Charter Schools, and Subchapter B, Home-Rule School District Charters.

As required by the Texas Government Code, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 100, Subchapters A and B, continue to exist. The comment period begins with the publication of this notice and must last a minimum of 30 days.

Comments or questions regarding this rule review may be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494, (512) 475-1497. Comments may also be submitted electronically to rules@tea.texas.gov or faxed to (512) 463-5337.

TRD-201600535

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: February 3, 2016



The State Board of Education (SBOE) proposes the review of 19 TAC Chapter 129, Student Attendance, pursuant to the Texas Government Code, §2001.039. The rules being reviewed by the SBOE in 19 TAC Chapter 129 are organized under the following subchapters: Subchapter A, Student Attendance Allowed, and Subchapter B, Student Attendance Accounting.

As required by the Texas Government Code, §2001.039, the SBOE will accept comments as to whether the reasons for adopting 19 TAC Chapter 129, Subchapters A and B, continue to exist. The comment period begins with the publication of this notice and must last a minimum of 30 days.

Comments or questions regarding this rule review may be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494, (512) 475-1497. Comments may also be submitted electronically to rules@tea.texas.gov or faxed to (512) 463-5337.

TRD-201600536

Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: February 3, 2016



Texas State Board of Public Accountancy

Title 22, Part 22

The Texas State Board of Public Accountancy will review and consider for re-adoption, revision or repeal Title 22 Texas Administrative Code Part 22, Chapters 501, 502, 505, 507, 509, 511, 512, 513, 514, 515, 517, 518, 519, 520, 521, 523, 525, 526 and 527.

This review is conducted pursuant to §2001.039 of the Government Code.

In conducting its review the Board will determine whether the reasons for the rules continue to exist. The rule review will also determine whether the rules are obsolete, whether the rules reflect current legal and policy considerations and whether the rules reflect current procedures of the Board.

Any comments pertaining to this notice of intention may be submitted within the next 120 days to General Counsel, Texas State Board of Public Accountancy, 333 Guadalupe, Tower III, Suite 900, Austin, Texas 78701. Any proposed changes to the rules as a result of this review will be published in the Proposed Rules Section of the *Texas Register* and will be open for an additional comment period prior to final adoption or repeal by the Board.

Chapter 501 - Rules of Professional Conduct

Chapter 502 - Peer Assistance

Chapter 505 - The Board

Chapter 507 - Employees of the Board

Chapter 509 - Rulemaking Procedures

Chapter 511 - Eligibility

Chapter 512 - Certification by Reciprocity

Chapter 513 - Registration

Chapter 514 - Certification as a CPA

Chapter 515 - Licenses

Chapter 517 - Practice by Certain Out of State Firms and Individuals

Chapter 518 - Unauthorized Practice of Public Accountancy

Chapter 519 - Practice and Procedure

Chapter 520 - Provisions for the Fifth-Year Accounting Students Scholarship Program

Chapter 521 - Fee Schedule

Chapter 523 - Continuing Professional Education

Chapter 525 - Criminal Background Investigations

Chapter 526 - Board Opinions

Chapter 527 - Peer Review

TRD-201600539

J. Randel (Jerry) Hill

General Counsel

Texas State Board of Public Accountancy

Filed: February 3, 2016



Texas Department of Transportation

Title 43, Part 1

In accordance with Government Code, §2001.039, the Texas Department of Transportation (department) files this notice of intention to review Title 43 TAC Part 1, Chapter 1, Management, Chapter 5, Finance, Chapter 11, Design, Chapter 15, Financing and Construction of Transportation Projects, Chapter 21, Right of Way, and Chapter 27, Toll Projects.

The department will accept comments regarding whether the reasons for adopting these rules continue to exist. Comments regarding this rule review may be submitted to Rule Comments, Office of General Counsel, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483 or to RuleComments@txdot.gov with the subject line "Rule Review." The deadline for receipt of comments is 5:00 p.m. on March 14, 2016.

In accordance with Transportation Code, §201.811(a)(5), a person who submits comments must disclose, in writing with the comments, whether the person does business with the department, may benefit monetarily from the proposed amendments, or is an employee of the department.

TRD-201600533

Joanne Wright

Deputy General Counsel

Texas Department of Transportation

Filed: February 3, 2016



Texas Veterans Land Board

Title 40, Part 5

Pursuant to the Texas Government Code §2001.039, the Veterans Land Board (VLB) submits this notice of its intent to review and to consider for readoption, revision, or repeal of the following chapters:

Chapter 175. General Rules of the Veterans Land Board

Chapter 176. Veterans Homes

Chapter 177. Veterans Housing Assistance Program

Chapter 178. Texas State Veterans Cemeteries

The rules to be reviewed are found in Title 40, Part 5, of the Texas Administrative Code.

During the review process, the VLB will determine whether the reasons for adoption of the rules continue to exist, whether amendments or changes are needed, or whether repeal of the chapter is appropriate. Existing rules may be amended for simplification or clarity.

This review of Chapters 175, 176, 177 and 178 is filed in accordance with the VLB's rule review plan published in the November 13, 2015, issue of the *Texas Register* (40 TexReg 8035).

The VLB will consider comments related to whether the reasons for adoption of these rules continue to exist, whether amendments or changes are needed or whether repeal of the chapter is appropriate. Any changes to the rules will be proposed by the VLB after reviewing the rules and considering the comments received in response to this notice. Any proposed rule changes will then appear in the "Proposed Rules" section of the *Texas Register* and will be adopted in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

The VLB will accept written comments on this rule review for a thirty day period beginning on the date of publication of this notice of intent to review in the *Texas Register*. Any comments or questions should be directed to Walter Talley, Texas General Land Office, P.O. Box 12873, Austin, Texas 78711, facsimile number (512) 463-6311, email address walter.talley@glo.texas.gov. Comments received later than thirty days following the date of publication of this notice will not be considered.

TRD-201600392

Anne L. Idsal

Chief Clerk, Deputy Land Commissioner

Texas Veterans Land Board

Filed: January 29, 2016



Adopted Rule Reviews

Texas Higher Education Coordinating Board

Title 19, Part 1

Chapter 1. Agency Administration

The Texas Higher Education Coordinating Board adopts the review of Chapter 1 concerning Agency Administration. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6942). No comments were received regarding the review of this chapter. During its review, the Board determined that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 1 as required by the Texas Government Code, §2001.039.

TRD-201600512

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: February 3, 2016



Chapter 4. Rules Applying to All Public Institutions of Higher Education in Texas

The Texas Higher Education Coordinating Board adopts the review of Chapter 4 concerning. Rules Applying to All Public Institutions of Higher Education in Texas. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6942). No comments were received regarding the review of this chap-

ter. During its review, the Board determined that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 4 as required by the Texas Government Code, §2001.039.

TRD-201600513

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: February 3, 2016



Chapter 5. Rules Applying to Public Universities, Health-Related Institutions, and/or Selected Public Colleges of Higher Education in Texas

The Texas Higher Education Coordinating Board adopts the review of Chapter 5 concerning Rules Applying to Public Universities, Health-Related Institutions, and/or Selected Public Colleges of Higher Education in Texas. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6942). No comments were received regarding the review of this chapter. During its review, the Board determined that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 5 as required by the Texas Government Code, §2001.039.

TRD-201600514

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: February 3, 2016



Chapter 6. Health Education, Training, and Research Funds

The Texas Higher Education Coordinating Board adopts the review of Chapter 6 concerning Health Education, Training, and Research Funds. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6942). No comments were received regarding the review of this chapter. During its review, the Board determined that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 6 as required by the Texas Government Code, §2001.039.

TRD-201600515

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: February 3, 2016



Chapter 7. Degree Granting Colleges and Universities Other Than Texas Public Institutions

The Texas Higher Education Coordinating Board adopts the review of Chapter 7 concerning Degree Granting Colleges and Universities Other Than Texas Public Institutions. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40

TexReg 6942). No comments were received regarding the review of this chapter. During its review, the Board determined that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 7 as required by the Texas Government Code, §2001.039.

TRD-201600516

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: February 3, 2016



Chapter 8. Creation, Expansion, Dissolution, or Conservatorship of Public Community College Districts

The Texas Higher Education Coordinating Board adopts the review of Chapter 8 concerning Creation, Expansion, Dissolution, or Conservatorship of Public Community College Districts. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6942). No comments were received regarding the review of this chapter. During its review, the Board determined that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 8 as required by the Texas Government Code, §2001.039.

TRD-201600517

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: February 3, 2016



Chapter 9. Program Development in Public Two-Year Colleges

The Texas Higher Education Coordinating Board adopts the review of Chapter 9 concerning Program Development in Public Two-Year Colleges. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6942). No comments were received regarding the review of this chapter. During its review, the Board determined that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 9 as required by the Texas Government Code, §2001.039.

TRD-201600518

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: February 3, 2016



Chapter 11. Texas State Technical College System

The Texas Higher Education Coordinating Board adopts the review of Chapter 11 concerning Texas State Technical College System. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6943). No comments were received regarding the review of this chapter. During its review, the Board de-

terminated that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 11 as required by the Texas Government Code, §2001.039.

TRD-201600519

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: February 3, 2016



Chapter 13. Financial Planning

The Texas Higher Education Coordinating Board adopts the review of Chapter 13 concerning Financial Planning. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6943). No comments were received regarding the review of this chapter. During its review, the Board determined that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 13 as required by the Texas Government Code, §2001.039.

TRD-201600520

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: February 3, 2016



Chapter 14. Research Funding Programs

The Texas Higher Education Coordinating Board adopts the review of Chapter 14 concerning Research Funding Programs. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6943). No comments were received regarding the review of this chapter. During its review, the Board determined that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 14 as required by the Texas Government Code, §2001.039.

TRD-201600521

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: February 3, 2016



Chapter 15. National Research Universities

The Texas Higher Education Coordinating Board adopts the review of Chapter 15 concerning National Research Universities. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6943). No comments were received regarding the review of this chapter. During its review, the Board determined that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 15 as required by the Texas Government Code, §2001.039.

TRD-201600522

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: February 3, 2016



Chapter 17. Resource Planning

The Texas Higher Education Coordinating Board adopts the review of Chapter 17 concerning Resource Planning. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6943). No comments were received regarding the review of this chapter. During its review, the Board determined that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 17 as required by the Texas Government Code, §2001.039.

TRD-201600523

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: February 3, 2016



Chapter 21. Student Services

The Texas Higher Education Coordinating Board adopts the review of Chapter 21 concerning Student Services. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6943). No comments were received regarding the review of this chapter. During its review, the Board determined that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 21 as required by the Texas Government Code, §2001.039.

TRD-201600524

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: February 3, 2016



Chapter 22. Grant and Scholarship Programs

The Texas Higher Education Coordinating Board adopts the review of Chapter 22 concerning Grant and Scholarship Programs. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6943). No comments were received regarding the review of this chapter. During its review, the Board determined that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 22 as required by the Texas Government Code, §2001.039.

TRD-201600525

Bill Franz
General Counsel
Texas Higher Education Coordinating Board
Filed: February 3, 2016



Chapter 25. Optional Retirement Program

The Texas Higher Education Coordinating Board adopts the review of Chapter 25 concerning Optional Retirement Program. The proposed notice of review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6944). No comments were received regarding the review of this chapter. During its review, the Board determined

that the initial reasons for adopting these sections continue to exist. The rules are therefore readopted in accordance with the requirements of the Government Code, §2001.039.

This concludes the Board's review of Chapter 25 as required by the Texas Government Code, §2001.039.

TRD-201600526
Bill Franz
General Counsel
Texas Higher Education Coordinating Board
Filed: February 3, 2016

