Chapter 157. Hearings and Appeals


Division 1. Informal Review

Statutory Authority: The provisions of this Division 1 issued under the Texas Education Code, §§12.104, 12.1141, 12.115, 12.116, 12.1162, 39.058, 39.102, 39.103, 39.104, 39.152, and 42.258, unless otherwise noted.


This division applies to:

(1) an investigation under the Texas Education Code (TEC), Chapter 39, Subchapter C;

(2) an assignment of a monitor, conservator, or management team under the TEC, Chapter 39;

(3) an over-allocation to an open-enrollment charter school described under §100.1041(e) of this title (relating to State Funding);

(4) a determination to deny a petition for renewal and allow a charter of an open-enrollment charter school to expire pursuant to the TEC, §12.1141(d);

(5) a decision subject to review by the State Office of Administrative Hearings under Division 3 of this subchapter (relating to State Office of Administrative Hearings Substantial Evidence Review) or Division 4 of this subchapter (relating to State Office of Administrative Hearings Arbitrary and Capricious or Clearly Erroneous Review); and

(6) an investigation made subject to this division at the sole discretion of Texas Education Agency staff.

Source: The provisions of this §157.1121 adopted to be effective September 18, 2014, 39 TexReg 7334.


(a) Findings resulting from an investigation subject to this division must be presented in a preliminary investigative report. The report must be provided to a school district, an open-enrollment charter school, or any person the Texas Education Agency (TEA) finds has violated a law, rule, or policy and must:

(1) describe the factual and legal basis for each violation;

(2) identify the action to be taken as a result of the accreditation investigation;

(3) describe the procedures for obtaining an informal review of the findings in the preliminary investigative report;

(4) identify the TEA representative to whom the request for an informal review may be addressed; and

(5) set a deadline for requesting and submitting items and information to be considered during an informal review.

(b) An assignment, determination, or decision subject to this division must be presented in writing to the school district or open-enrollment charter school the TEA finds has violated a law, rule, or policy and must:

(1) describe the factual and legal basis for each violation;

(2) identify the action to be taken as a result of the accreditation investigation;

(3) describe the procedures for obtaining an informal review of the findings in the preliminary investigative report;

(4) identify the TEA representative to whom the request for an informal review may be addressed; and

(a) A school district, an open-enrollment charter school, or any person who is subject to an investigation, assignment, determination, or decision identified in §157.1121 of this title (relating to Applicability) may request, in writing, an informal review under this section.

(b) A written request for informal review must be addressed to the designated Texas Education Agency (TEA) representative. The written request must be received by the TEA representative on or before the deadline identified in the notice issued under §157.1122 of this title (relating to Notice).

(c) A school district, an open-enrollment charter school, or any person requesting the informal review may submit written information to the TEA representative by the deadline set forth in the notice issued under §157.1122 of this title. In addition, the TEA representative may require attendance at a meeting at the TEA headquarters in Austin, Texas, or by telephone, to discuss the findings and/or provide additional information for review.

(d) If no informal review is requested by the deadline, a final report, assignment, determination, or decision may be issued without informal review.

(e) An informal review is not governed by the Texas Education Code, §7.057, or by the Texas Government Code, Chapter 2001.

(f) Following the informal review by the TEA representative, a final report, assignment, determination, or decision will be issued. The final report, assignment, determination, or decision may include changes or additions to the preliminary report or action, and such modifications are not subject to another informal review procedure. A final report, assignment, determination or decision issued following an informal review is final and may not be appealed, except as provided by law or rule.

Source: The provisions of this §157.1123 adopted to be effective September 18, 2014, 39 TexReg 7334.

Division 2. Formal Review

Statutory Authority: The provisions of this Division 2 issued under the Texas Education Code, §39.102 and §39.104, unless otherwise noted.


This division applies only to a commissioner of education decision to:

(1) assign an accreditation status of Accredited- Warned or Accredited-Probation to a school district or an open-enrollment charter school; and

(2) assign a board of managers to a school district under the Texas Education Code, Chapter 39.

Source: The provisions of this §157.1131 adopted to be effective September 18, 2014, 39 TexReg 7334.


The commissioner of education shall provide a school district or an open-enrollment charter school with written notice of an action subject to this division. The notice shall include an explanation of the factual and legal basis for the decision, documentation supporting the decision, and a description of the procedures to seek a review of the decision.

Source: The provisions of this §157.1132 adopted to be effective September 18, 2014, 39 TexReg 7334.
§157.1133. Request.

The superintendent of the school district or chief executive officer of the open-enrollment charter school may request, in writing, a formal review under this division.

(1) The request must be properly addressed to the Texas Education Agency (TEA) representative identified in the notice issued under §157.1132 of this title (relating to Notice) and must be received by the TEA representative on or before the deadline specified in the notice.

(2) The request must include a summary of all arguments and documentation supporting the position of the school district or open-enrollment charter school.

(3) The summary of arguments must not exceed 20 single-spaced pages and must contain citations to specific pages in the supporting documentation. The summary must concisely state, in numbered paragraphs:

   (A) if alleging the decision was made in violation of a statutory provision, the statutory provision violated and the specific facts supporting a conclusion that the statute was violated by the decision;
   (B) if alleging the decision was made in excess of the TEA’s statutory authority, the TEA’s statutory authority and the specific facts supporting a conclusion that the decision was made in excess of this authority;
   (C) if alleging the decision was made through unlawful procedure, the lawful procedure and the specific facts supporting a conclusion that the decision was made through unlawful procedure;
   (D) if alleging the decision was affected by other error of law, the law violated and the specific facts supporting a conclusion that the decision violated that law;
   (E) if alleging the decision was not reasonably supported by substantial evidence considering the reliable and probative evidence as a whole, each finding, inference, conclusion, or decision that was unsupported by substantial evidence;
   (F) if alleging the decision was arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion, each finding, inference, conclusion, or decision affected and the specific facts supporting a conclusion that each was so affected;
   (G) for each violation, error, or defect alleged under subparagraphs (A)-(F) of this paragraph, the substantial rights of the school district or open-enrollment charter school that were prejudiced by such violation, error, or defect;
   (H) a concise statement of the relief sought by the requestor; and
   (I) the name, mailing address, telephone number, and facsimile number of the requestor's representative.

(4) Supporting documentation must be "bates stamped" numbered consecutively on each page.

(5) If no formal review is requested by the deadline specified in the notice, a final order may be issued without formal review.

Source: The provisions of this §157.1133 adopted to be effective September 18, 2014, 39 TexReg 7334.


(a) The Texas Education Agency (TEA) representative may require the school district or open-enrollment charter school to meet at the TEA headquarters in Austin, Texas, or by telephone to discuss the findings and/or provide additional information for review.
(b) The county district or campus identification number of the affected entity must be included in all written correspondence on the formal review, as well as the date the notice was issued under §157.1132 of this title (relating to Notice).

(c) All deadlines under this division shall be calculated from the date of actual receipt. No mailbox rule applies.

Source: The provisions of this §157.1134 adopted to be effective September 18, 2014, 39 TexReg 7334.

§157.1135. Formal Review.

(a) The Texas Education Agency (TEA) shall review the notice issued under §157.1132 of this title (relating to Notice) and supporting documents; the request for review, summary of arguments, and supporting documents; and other relevant items and information.

(b) Formal review is an executive function conducted by the TEA staff. Formal review is not a contested case hearing, and rules prohibiting ex parte communications do not apply. The rules of civil procedure and evidence do not apply.

(c) The TEA shall consider the matters set forth in the notice and shall not consider items or information that are irrelevant, immaterial, or unduly repetitious.

(d) The TEA may take official notice of generally recognized information within the TEA's area of specialized knowledge.

(e) The special skills and knowledge of the TEA staff shall be used in evaluating all information presented during the formal review.

(f) The TEA may present, incorporate, or request additional briefing, findings, and documentation regarding relevant issues and may set limitations on and deadlines to respond to such requests at any time before the final order is issued.

Source: The provisions of this §157.1135 adopted to be effective September 18, 2014, 39 TexReg 7334.

§157.1136. Final Order and Appeal.

Following the formal review, a final order will be issued. The final order may include changes or additions to the proposed order and such modifications are not subject to another formal review procedure. A final order issued following a formal review is final and may not be appealed.

Source: The provisions of this §157.1136 adopted to be effective September 18, 2014, 39 TexReg 7334.

§157.1137. Other Law.

The Texas Government Code, Chapter 2001, and the Texas Education Code, §7.057, do not apply to a formal review under this division.

Source: The provisions of this §157.1137 adopted to be effective September 18, 2014, 39 TexReg 7334.

Division 3. State Office of Administrative Hearings Substantial Evidence Review

Statutory Authority: The provisions of this Division 3 issued under the Texas Education Code, §§12.104, 39.102, 39.103, 39.104, 39.107, and 39.132, unless otherwise noted.

§157.1151. Applicability.

This division applies only to review of a commissioner of education decision to:

1. close a school district under the Texas Education Code (TEC), Chapter 39;
2. close an open-enrollment charter school under the TEC, Chapter 39;
3. close a school district campus under the TEC, Chapter 39;
4. close an open-enrollment charter school campus under the TEC, Chapter 39;
(5) order alternative management of a school district campus under the TEC, Chapter 39; and
(6) order alternative management of an open-enrollment charter school under the TEC, Chapter 39.

Source: The provisions of this §157.1151 adopted to be effective September 18, 2014, 39 TexReg 7334.

§157.1153. Applicability of Other Law.

(a) A review under this division shall be governed by the procedures provided by this division and is not subject to the Texas Government Code, Chapter 2001, except as provided by the Texas Education Code, §39.152.

(b) A review conducted by the State Office of Administrative Hearings (SOAH) under this division is governed by Chapter 155 of Title 1 (relating to Rules of Procedure), except as modified herein.

(c) To the extent that a provision of this division conflicts with a rule or practice of the SOAH, this division shall prevail.

Source: The provisions of this §157.1153 adopted to be effective September 18, 2014, 39 TexReg 7334.

§157.1155. Petition for Review.

(a) A school district or an open-enrollment charter school subject to a decision defined by §157.1151 of this title (relating to Applicability) (petitioner) may file with the Texas Education Agency (TEA) a petition for review of the decision or determination under this division. The petition must be received by the TEA not later than the 15th calendar day after the notice is sent to the petitioner.

1. The petition for review shall include a copy of the challenged decision and any attachments or exhibits to the decision.

2. The petition for review shall concisely state, in numbered paragraphs:
   (A) if alleging the decision was made in violation of a statutory provision, the statutory provision violated and the specific facts supporting a conclusion that the statute was violated by the decision;
   (B) if alleging the decision was made in excess of the TEA's statutory authority, the TEA's statutory authority and the specific facts supporting a conclusion that the decision was made in excess of this authority;
   (C) if alleging the decision was made through unlawful procedure, the lawful procedure and the specific facts supporting a conclusion that the decision was made through unlawful procedure;
   (D) if alleging the decision was affected by other error of law, the law violated and the specific facts supporting a conclusion that the decision violated that law;
   (E) if alleging the decision was not reasonably supported by substantial evidence considering the reliable and probative evidence, each finding, inference, conclusion, or decision that was unsupported by substantial evidence;
   (F) if alleging the decision was arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion, each finding, inference, conclusion, or decision affected and the specific facts supporting a conclusion that each was so affected; and
   (G) for each violation, error, or defect alleged under subparagraphs (A)-(F) of this paragraph, the substantial rights of the school district or charter school that were prejudiced by such violation, error, or defect.

3. A petition for review shall further contain:
   (A) a concise statement of the relief sought by the petitioner; and

(B) the name, mailing address, telephone number, and facsimile number of the petitioner's representative.

(4) A request for relief in a review under this division may not be made orally or as part of the record at a prehearing conference or hearing.

(b) Failure to comply with the requirements of subsection (a) of this section shall result in dismissal of the petition for review and final action without further review and without referral to the State Office of Administrative Hearings (SOAH).

(c) The TEA shall transmit the petition for review to the SOAH with a request that it be docketed.

(d) The TEA shall file a notice of hearing, present evidence and arguments, and otherwise fully participate as a party in the contested case proceeding.

Source: The provisions of this §157.1155 adopted to be effective January 6, 2008, 33 TexReg 172; amended to be effective December 22, 2010, 35 TexReg 11238; amended to be effective September 18, 2014, 39 TexReg 7334.

§157.1157. Standard of Review.

(a) In response to a challenge to a commissioner of education decision under the Texas Education Code (TEC), §39.152, the administrative law judge shall conduct a hearing to consider evidence and arguments regarding the decision. Based on the evidence and arguments presented, the administrative law judge shall review the commissioner's decision under the substantial evidence rule as provided by Government Code, §2001.174 and §2001.175, and judicial case precedents construing those provisions.

(b) The State Office of Administrative Hearings (SOAH) may not substitute its judgment for the judgment of the commissioner on questions committed to the commissioner's discretion. Questions committed to the commissioner's discretion include, but are not limited to, the following:

(1) any questions arising under a statute, rule, or other legal standard that requires or permits the commissioner to make a decision within general legal guidelines that do not mandate a specific result under the circumstances; and

(2) the execution of any act authorized or required to be taken by the commissioner.

(c) The SOAH may not substitute its judgment for the judgment of the commissioner on the weight to be assigned the evidence before the commissioner.

(d) The SOAH may affirm the commissioner decision in whole or in part.

(e) The SOAH shall reverse and remand the decision for further proceedings if substantial rights of the school district or open-enrollment charter school have been prejudiced because the administrative findings, inferences, conclusions, or decisions of the commissioner are:

(1) in violation of a statutory provision;

(2) in excess of the commissioner's authority;

(3) made through unlawful procedure;

(4) affected by other error of law;

(5) not reasonably supported by substantial evidence considering the reliable and probative evidence as a whole; or

(6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(f) An order of remand may not direct or control the commissioner's exercise of discretion on a matter committed to the commissioner's discretion by §157.1171(b) of this title (relating to Final Decision) and TEC, Chapter 39.
(g) On remand, the commissioner shall apply the facts and law as determined by the SOAH to reach a new decision in light of all the circumstances of the case.

(h) The commissioner shall continue on remand to exercise discretion over the accreditation decision as required by §157.1171(b) of this title and TEC, Chapter 39.

Source: The provisions of this §157.1157 adopted to be effective January 6, 2008, 33 TexReg 172; amended to be effective September 18, 2014, 39 TexReg 7334.


The pendency of a review under this division does not stay or otherwise affect the enforcement of the commissioner of education decision challenged under this division.

Source: The provisions of this §157.1165 adopted to be effective January 6, 2008, 33 TexReg 172; amended to be effective September 18, 2014, 39 TexReg 7334.

§157.1167. Expedited Review.

(a) The State Office of Administrative Hearings (SOAH) shall expedite its review of a challenge under this division in order to meet the requirements of this section.

(b) The administrative law judge shall issue a pre-hearing order initially setting a date for closure of the record that is not later than the 30th calendar day after the date the petition for review is transmitted to the SOAH.

(c) The administrative law judge may grant a continuance of the date set in subsection (b) of this section only for good cause shown.

(d) The administrative law judge may not order a settlement conference, mediation, or other form of alternative dispute resolution.

(e) The administrative law judge shall issue a final order not later than the 30th calendar day after the date on which the record is finally closed.

(f) In all cases where the matter is docketed at the SOAH on or before March 15, the administrative law judge shall issue a final order not later than May 31 of the same year.

(g) In setting deadlines and issuing orders, the SOAH shall consider the following:

(1) the need for parents and students to evaluate, select, and enroll in another school district or open-enrollment charter school;

(2) the need for educators and staff to find other employment;

(3) the need for the school district or open-enrollment charter school to engage in an orderly termination of its operations; and

(4) the need for the Texas Education Agency to facilitate and complete an orderly termination of the operations of a school district or open-enrollment charter school.

Source: The provisions of this §157.1167 adopted to be effective January 6, 2008, 33 TexReg 172; amended to be effective December 22, 2010, 35 TexReg 11238; amended to be effective September 18, 2014, 39 TexReg 7334.

§157.1169. Conduct of Review During a Ratings Appeal.

(a) The administrative law judge shall proceed with an expedited review under this division during any ratings appeal under the Texas Education Code (TEC), §39.151, and shall presume for purposes of such review that the rating will not change by reason of the appeal, unless the commissioner of education:

(1) withdraws the rating; or

(2) requests that review of the final decision be abated pending the outcome of the ratings appeal.

(b) If a rating is adjusted by the commissioner following an appeal under TEC, §39.151, the administrative law judge shall order that the adjusted rating be substituted for the original rating. The Texas Education Agency may change its findings and/or decision by reason of the additional evidence and shall file the additional evidence and any changes, new findings, or decisions with the administrative law judge.

Source: The provisions of this §157.1169 adopted to be effective January 6, 2008, 33 TexReg 172; amended to be effective December 22, 2010, 35 TexReg 11238; amended to be effective September 18, 2014, 39 TexReg 7334.


(a) The decision of the administrative law judge:

(1) may not order a sanction or relief that the commissioner of education is not authorized to order under applicable law;

(2) may not change an accreditation status; and

(3) may not change an academic or a financial accountability rating.

(b) The decision of the administrative law judge is final and may not be appealed.

Source: The provisions of this §157.1171 adopted to be effective January 6, 2008, 33 TexReg 172; amended to be effective December 22, 2010, 35 TexReg 11238.


(a) The charter of an open-enrollment charter school is automatically:

(1) revoked, void, and of no further force or effect on the effective date of a final decision by the commissioner of education ordering the charter school closed under this division; and

(2) modified to remove authorization for an individual campus on the effective date of a final decision by the commissioner ordering the campus closed under this division.

(b) If sanctions are imposed on an open-enrollment charter school under the procedures provided by this division, a charter school is not entitled to an additional hearing relating to the modification, placement on probation, revocation, or denial of renewal of a charter as provided by Texas Education Code, Chapter 12, Subchapter D.

Source: The provisions of this §157.1173 adopted to be effective January 6, 2008, 33 TexReg 172; amended to be effective September 18, 2014, 39 TexReg 7334.

Division 4. State Office of Administrative Hearings Arbitrary and Capricious or Clearly Erroneous Review

Statutory Authority: The provisions of this Division 4 issued under the Texas Education Code, §§12.1141, 12.115, 12.116, and 12.1162, unless otherwise noted.

§157.1181. Applicability.

This division applies only to review of a commissioner of education decision to:

(1) revoke the charter of an open-enrollment charter school under the Texas Education Code (TEC), Chapter 12;

(2) reconstitute the governing body of the charter holder of an open-enrollment charter school under the TEC, Chapter 12;

(3) deny a petition for a discretionary renewal of an open-enrollment charter school under the TEC, Chapter 12; and

(4) deny a petition for an expedited renewal of an open-enrollment charter school under the TEC, Chapter 12.

(a) A review under this division shall be governed by the contested case procedures provided by this division and is not subject to the Texas Government Code, Chapter 2001, except as provided by the Texas Education Code, §39.152.

(b) A review conducted by the State Office of Administrative Hearings (SOAH) under this division is governed by Chapter 155 of Title 1 (relating to Rules of Procedure), except as modified herein.

(c) To the extent that a provision of this division conflicts with a rule or practice of the SOAH, this division shall prevail.


(a) An open-enrollment charter school subject to a decision defined by §157.1181 of this title (relating to Applicability) (petitioner) may file with the Texas Education Agency (TEA) a petition for review of the decision or determination under this division. The petition must be received by the TEA not later than the 15th calendar day after the notice is sent to the petitioner.

(1) The petition for review shall include a copy of the challenged decision and any attachments or exhibits to the decision.

(2) The petition for review shall concisely state, in numbered paragraphs:

(A) if alleging the decision was arbitrary or capricious, each finding, inference, conclusion, or decision affected and the specific facts supporting a conclusion that each was so affected;

(B) if alleging the decision was clearly erroneous, each finding, inference, conclusion, or decision affected and the specific facts supporting a conclusion that each was so affected; and

(C) for each violation, error, or defect alleged under subparagraphs (A) and (B) of this paragraph, the substantial rights of the school district or charter school that were prejudiced by such violation, error, or defect.

(3) A petition for review shall further contain:

(A) a concise statement of the relief sought by the petitioner; and

(B) the name, mailing address, telephone number, and facsimile number of the petitioner's representative.

(4) A request for relief in a review under this division may not be made orally or as part of the record at a prehearing conference or hearing.

(b) Failure to comply with the requirements of subsection (a) of this section shall result in dismissal of the petition for review and final action without further review and without referral to the State Office of Administrative Hearings (SOAH).

(c) The TEA shall transmit the petition for review to the SOAH with a request that it be docketed.

(d) The TEA shall file a notice of hearing, present evidence and arguments, and otherwise fully participate as a party in the contested case proceeding.


(a) In response to a challenge to a commissioner of education decision under or subject to the Texas Education Code, §§12.1141, 12.115, or 12.116, the administrative law judge shall conduct a hearing to consider

evidence and arguments regarding the decision. Based on the evidence and arguments presented, the administrative law judge shall review the commissioner's decision. The administrative law judge shall uphold a decision by the commissioner unless the judge finds the decision is arbitrary and capricious or clearly erroneous.

(b) A decision of the administrative law judge is final and may not be appealed.

Source: The provisions of this §157.1184 adopted to be effective September 18, 2014, 39 TexReg 7334.


The pendency of a review under this division does not stay or otherwise affect the enforcement of the commissioner of education decision challenged under this division.

Source: The provisions of this §157.1185 adopted to be effective September 18, 2014, 39 TexReg 7334.


(a) The State Office of Administrative Hearings (SOAH) shall expedite its review of a challenge under this division in order to meet the requirements of this section.

(b) The administrative law judge shall issue a pre-hearing order as soon as practical after the petition for review is transmitted to the SOAH, setting all necessary deadlines.

(c) The administrative law judge may grant a continuance of the date set in subsection (b) of this section only for good cause shown.

(d) The administrative law judge may not order a settlement conference, mediation, or other form of alternative dispute resolution.

(e) The administrative law judge shall issue a final order as soon as practical after the petition for review is transmitted to the SOAH.

(f) In all cases where the matter is docketed at SOAH on or before March 15, the administrative law judge shall issue a final order not later than May 31 of the same year.

(g) In setting deadlines and issuing orders, the SOAH shall consider the following:

1. the need for parents and students to evaluate, select, and enroll in another school district or open-enrollment charter school;

2. the need for educators and staff to find other employment;

3. the need for the school district or open-enrollment charter school to engage in an orderly termination of its operations; and

4. the need for the Texas Education Agency to facilitate and complete an orderly termination of the operations of a school district or open-enrollment charter school.

Source: The provisions of this §157.1186 adopted to be effective September 18, 2014, 39 TexReg 7334.


(a) The administrative law judge shall proceed with an expedited review under this division during any ratings appeal under Texas Education Code (TEC), §39.151, and shall presume for purposes of such review that the rating will not change by reason of the appeal, unless the commissioner of education:

1. withdraws the rating; or

2. requests that review of the final decision be abated pending the outcome of the ratings appeal.

(b) If a rating is adjusted by the commissioner following an appeal under TEC, §39.151, the administrative law judge shall order that the adjusted rating be substituted for the original rating. The Texas Education Agency

may change its findings and/or decision by reason of the additional evidence and shall file the additional evidence and any changes, new findings, or decisions with the administrative law judge.

Source: The provisions of this §157.1187 adopted to be effective September 18, 2014, 39 TexReg 7334.


The decision of the administrative law judge is final and may not be appealed.

Source: The provisions of this §157.1188 adopted to be effective September 18, 2014, 39 TexReg 7334.


(a) The charter of an open-enrollment charter school is automatically:

   (1) revoked, void, and of no further force or effect on the effective date of a final decision by the commissioner of education ordering the charter school closed under this division; and

   (2) modified to remove authorization for an individual campus on the effective date of a final decision by the commissioner ordering the campus closed under this division.

(b) If sanctions are imposed on an open-enrollment charter school under the procedures provided by this division, a charter school is not entitled to an additional hearing relating to the modification, placement on probation, revocation, or denial of renewal of a charter as provided by the Texas Education Code, Chapter 12, Subchapter D.

Source: The provisions of this §157.1189 adopted to be effective September 18, 2014, 39 TexReg 7334.

Division 5. Conflicts

Statutory Authority: The provisions of this Division 5 issued under the Texas Education Code, §§12.104, 12.1141, 12.115, 12.116, 12.1162, 39.058, 39.102, 39.103, 39.104, 39.107, 39.152, and 42.258, unless otherwise noted.


This subchapter prevails in the event of a conflict between this subchapter and any other rule adopted by the commissioner of education.

Source: The provisions of this §157.1191 adopted to be effective September 18, 2014, 39 TexReg 7334.