

determination must be in writing and must be received in the executive director's office no later than 10 working days after the date of the staff's determination. The appeal shall be limited to review of the staff's determination. Copies of the appeal must be mailed or delivered by the protesting party to the other interested parties and must contain a certified statement that such copies have been provided.

(g) The executive director may confer with the general counsel in the review of the matter appealed. The executive director may, in his/her discretion, refer the matter to the Board for its consideration at a regularly scheduled open meeting or issue a written decision on the protest.

(h) When a protest has been appealed to the executive director under subsection (f) of this section and has been referred to the Board by the executive director under subsection (g) of this section, the following requirements shall apply:

(1) Copies of the appeal and responses of interested parties, if any, shall be mailed to the Board.

(2) All interested parties who wish to make an oral presentation at the open meeting are requested to notify the general counsel at least 48 hours in advance of the open meeting.

(3) The Board may consider oral presentations and written documents presented by staff and interested parties. The chairman shall set the order and amount of time allowed for presentations.

(4) The Board's determination of the appeal shall be by duly adopted resolution reflected in the minutes of the open meeting, and shall be final.

(i) Unless good cause for delay is shown or the Board determines that a protest or appeal raises issues significant to procurement practices or procedures, a protest or appeal that is not filed timely will not be considered.

(j) A decision issued either by the Board in open meeting, or in writing by the executive director, shall be the final administrative action of the Office.

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 August 21, 2008.

TRD-200804523

Charles S. (Charlie) Stone

Executive Director

Office of Rural Community Affairs

Earliest possible date of adoption: October 5, 2008

For further information, please call: (512) 936-6706



TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 5. RULES APPLYING TO PUBLIC UNIVERSITIES, HEALTH-RELATED INSTITUTIONS, AND/OR SELECTED PUBLIC COLLEGES OF HIGHER EDUCATION IN TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §5.8

The Texas Higher Education Coordinating Board proposes new §5.8 concerning Uniform Grade Point Average Calculation. Specifically, this new section concerning Uniform Grade Point Average Calculation will establish a standard method for computing a student's high school grade point average. The method must be based on a four-point scale and give additional weight to more rigorous courses. The standard method established for computing a student's high school Grade Point Average (GPA) applies to computing the GPA of a student applying as a first-time freshman for admission to a general academic teaching institution beginning with admissions for the 2009 fall semester.

Dr. Judith Loredo, Assistant Commissioner for P-16 Initiatives, has determined that for each year of the first five years the section is in effect, there will not be any fiscal implications to state or local government as a result of enforcing or administering the rules.

Dr. Loredo has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be increased student success and graduation from general academic teaching institutions. There is no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the section as proposed. There is no impact on local employment.

Comments on the proposal may be submitted to Natalie Coffey, Senior Program Director, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711, or natalie.coffey@theccb.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new section is proposed under the Texas Education Code, §51.807, which requires the Coordinating Board to adopt rules establishing a standard method for computing a student's high school grade point average.

The new section affects Texas Education Code, §51.807.

§5.8. Uniform Grade-Point Average Calculation for Admission to General Academic Teaching Institutions.

Procedures for calculating the high school grade-point average for students seeking admission to a Texas general academic teaching institution shall be as follows:

(1) Only official high school transcripts shall be accepted by the general academic teaching institution for evaluation and grade-point calculation.

(2) A four-point scale shall be used in computing the Uniform Grade-Point Average with the exception of paragraph (5) of this section.

(3) No grade points shall be awarded for courses that do not result in credit awarded (e.g.: failed courses).

(4) All academic courses included in Chapters 110 - 114 of this title, Texas Essential Knowledge and Skills, shall be used in calculating the Uniform Grade-Point Average regardless of when the course was taken.

(A) Grades earned in local credit courses shall not be included in the computation of the Uniform Grade-Point Average.

(B) Grades from out-of-state academic courses shall be included in the computation of the Uniform Grade-Point Average if state credit toward the Recommended or Distinguished High School Program is awarded for them.

(5) Advanced Placement (AP), International Baccalaureate (IB), and academic Dual Credit courses that are part of Chapters 110 - 114 of this title, Texas Essential Knowledge and Skills, shall be weighted equally with an additional weighting of 1.0 points in the calculation of the Uniform Grade-Point Average.

(6) The Uniform Grade-Point Average shall be computed for use by the general academic teaching institution:

(A) By multiplying each grade (see paragraph (4) of this section) by the semester or quarter credit hours earned per course and totaling the products, and

(B) The total of the products shall be divided by the total semester or quarter credits.

(C) The result is to be calculated to no more than three decimal places, giving the official cumulative Uniform Grade-Point Average.

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 August 25, 2008.

TRD-200804611

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Proposed date of adoption: October 23, 2008

For further information, please call: (512) 427-6114



CHAPTER 22. GRANT AND SCHOLARSHIP PROGRAMS

SUBCHAPTER B. PROVISIONS FOR THE TUITION EQUALIZATION GRANT PROGRAM

19 TAC §22.24

The Texas Higher Education Coordinating Board proposes amendments to §22.24, concerning Provisions for the Tuition Equalization Grant Program.

Specifically the proposed amendments to §22.24(5) clarifies that the only graduate students who may qualify for a Tuition Equalization Grant are those who are pursuing their first master's or first doctoral degree.

Ms. Lois Hollis, Senior Assistant to the Deputy Commissioner for Business and Finance/Chief Operating Officer, has determined that for each year of the first five years the section is in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the section as proposed.

Ms. Hollis has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be more clarity for and consistency among institutions administering the program. There is no effect on small businesses. There are no anticipated economic costs to persons who are required to comply with the section as proposed. There is no impact on local employment.

Comments on the proposal may be submitted to Lois Hollis, P.O. Box 12788, Austin, Texas 78711, (512) 427-6465, lois.hollis@thehb.state.tx.us. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §61.229, which provides the Coordinating Board with the authority to adopt rules to implement the program.

The amendments affect Texas Education Code, §§61.221 - 61.230.

§22.24. Eligible Students.

To receive an award through the TEG Program, a student must:

(1) - (4) (No change.)

(5) be enrolled in an approved institution in an individual degree plan leading to a first associate's degree, first baccalaureate degree, first master's degree or first doctoral degree [~~or a graduate degree~~];

(6) - (8) (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 August 25, 2008.

TRD-200804597

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Proposed date of adoption: October 23, 2008

For further information, please call: (512) 427-6114



TITLE 22. EXAMINING BOARDS

PART 8. TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

CHAPTER 153. RULES RELATING TO PROVISIONS OF THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT

22 TAC §153.9

The Texas Appraiser Licensing and Certification Board (TALCB) proposes amendments to §153.9, regarding Applications. The proposed amendments restore language in subsection (a) that was inadvertently omitted when other amendments were made in 2006 and revise the Appraiser Experience Log to comply with new Appraiser Qualifications Board (AQB) requirements as articulated in AQB Guide Note 6.

Devon V. Bijansky, Assistant General Counsel, has determined that for the first five-year period the amendments are in effect, there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the amendments. There is no anticipated impact on local or state employment as a result of implementing the amendments. There is no anticipated impact on small businesses or micro-businesses as a result of implementing the proposed amendments. There is no