

To the Student:

After your registration is complete and your proctor has been approved, you may take the Credit by Examination for English 4B.

WHAT TO BRING

- several sharpened No. 2 pencils
- blue or black ink pen
- lined notebook paper

ABOUT THE EXAM

The examination for the second semester of English IV consists of 80 multiple-choice and matching questions, plus one essay. The test will cover reading skills, literature, mechanics and usage, and writing skills. The exam will take place under supervision, and the recommended time limit is three hours. You may not use any notes or books. A percentage score from the examination will be reported to the official at your school.

PRE-EXAM ASSIGNMENTS

You are required to complete **reading assignments** outside of the testing environment *before* you take the CBE. See instructions for these assignments on page 3 of this document. **You will not be able to pass the CBE without completing these tasks.**

EXAM PREPARATION

Study topics are provided on pages 4-6 of this document. “**Tips for Good Writing**” are provided on page 7; these will help you when writing essays. The exam is based on the **Texas Essential Knowledge and Skills (TEKS)** for this subject. The full list of TEKS is included at the end of this document (it is also available online at the Texas Education Agency website, <http://www.tea.state.tx.us/>). The TEKS outline specific topics covered in the exam, as well as more general areas of knowledge and levels of critical thinking. All TEKS are assessed. Be sure to use *all* of these resources to focus your study in preparation for the exam. It is important to prepare adequately.

Since the questions on this exam are not taken from any one course, you may use literature or grammar textbooks to review the skills listed. The textbook used with our ENG 4B course is:

Glencoe Literature: Texas Treasures—British Literature, Student Edition (2011).
ISBN: 978-0078927867.

Sample questions are provided on pages 8-9 of this document; however, this is not a duplicate of the examination. The questions are only to illustrate the form of the exam. In order to be successful on the examination, you must study and review *all* of the material listed on the following pages.

Good luck on your examination!

ENG 4B Exam Prerequisite Reading Assignments

You are required to complete the following assignments outside of the testing environment *before* you take the CBE. **You will not be able to pass the CBE without completing these tasks.**

Reading Assignments

Poetry

- “She Walks in Beauty” by George Gordon, Lord Byron
- “Ulysses” by Alfred, Lord Tennyson
- “Sonnet 43” by Elizabeth Barrett Browning
- “My Last Duchess” by Robert Browning
- “Do Not Go Gentle” by Dylan Thomas

Short Story

- “Araby” by James Joyce

Novella

- *The Strange Case of Dr. Jekyll and Mr. Hyde* by Robert Louis Stevenson

ENG 4B Exam Prerequisite Study Topics

Study each of the following terms and topics *before* you take the CBE. **You will not be able to pass the CBE without studying this material.**

Literary Elements and Styles

allegory	enjambment	point of view
alliteration	epic	protagonist
allusion	first-person narration	sensory imagery
antagonist	foreshadowing	simile
archetype	imagery	sonnet
atmosphere	irony	symbolism
characterization	metaphor	theme
climax	motif	tone
coming-of-age story	onomatopoeia	tragic hero
dramatic monologue	personification	

Additional Vocabulary

ambiguity	pastoral
emphatic	remorse
imminent	somber
mortality	tyranny
nuance	utopian

Vocabulary

The vocabulary questions will require you to use context clues in the sentence to determine word meanings. This type of testing is very similar to the questions on the TAKS exam, so you may want to study TAKS preparation materials for this portion of the test.

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Authors

Be familiar with background information for each author as well as the time period in which he or she lived and wrote.

George Gordon, Lord Byron	Robert Browning
Percy Bysshe Shelley	James Joyce
John Keats	Dylan Thomas
Robert Louis Stevenson	Margaret Atwood
Alfred, Lord Tennyson	Winston Churchill

Grammar and Usage

- Be familiar with parts of speech as well as types of phrases and clauses including gerunds, participles, adverbial clauses, prepositional phrases, and infinitives.
- Review rules for punctuation, capitalization, and sentence structure.

British Literary Time Periods

Romanticism (1750-1837)

Victorian (1837-1901)

Modern Age (1901-1950)

An International Literature (1950-present)

Writing Skills

- Review the process for developing papers including brainstorming, outlining, writing final drafts, proofreading and editing.
- Be familiar with various types of writing including the following:
 - literary analysis
 - persuasive essays
 - research papers
 - interpretive responses

Essay

Rarely does a CBE that is missing an essay receive a passing score. Please plan to take the time to write a well-constructed essay. You will turn in any brainstorming and rough drafts that you do. Your essay should be approximately 1½ to 2 handwritten pages long. You will need to bring some lined paper with you to the testing location. Also, plan to use blue or black ink, not pencil.

You will have two choices of writing topics. You will select one topic and fully develop it by using these guidelines:

- Give your essay a meaningful title, introduction, and conclusion.
- Present fully develop ideas that are focused with specific examples and details.
- Write clear and grammatically-correct sentences.
- Eliminate fragments, run-ons, and tense shift.
- Use meaningful transitions to connect ideas.
- Edit your essay for capitalization, punctuation, usage, and spelling.

IMPORTANT!

Tips for Good Writing

1. An interesting title that reveals the main idea of your paper gives your reader a good first impression. If it is a title that you make up, it should not be in quotation marks or underlined.
2. Neatness counts. Remember to double space typed papers. Use blue or black ink for handwritten ones.
3. Avoid using the proverbial *you* in your writing exercises. It may put your reader on the defensive. For example, when I read, "When you use drugs, you hurt yourself and your family," my immediate reaction is to exclaim defensively that I *don't* use drugs. It's better to write, "When a person..." or "When a teenager..." than to use *you*.
4. State your opinion as fact. Avoid "I feel that..." and "I think that..."
5. Avoid referring to your essay or to any part of it. "Edgar Allan Poe uses gothic devices in many of his poems" sounds much better than "In this essay, I will prove that..." or "In the following paragraphs, I will show..."
6. Use present tense when writing about literature. The events of a story occur each time the story is read.
7. Be consistent in number. If you start out with a singular subject, the pronouns that refer to it must also be singular. Look at this example: "Everyone has their own differences that make them who they are as a person." *Everyone* is singular; *their* is plural; *them* is plural; *they* is plural; *a person* is singular. (Remember that any word ending in *-body* or *-one* is singular.) The easiest way to achieve consistency in number is to make the whole thing plural: "All individuals have their own differences that make them who they are as people." This sentence isn't profound, but it is grammatically correct.
8. Paragraph indentions should be about a thumb's width.
9. Elaborate. Give several examples and details for each topic sentence. Back up what you write (sometimes by quoting).
10. Proofread.

Sample Exam

Literary Selections

1. The strange absences of both Mr. Hyde and Dr. Jekyll
 - A. create irony since both are absent at the same time.
 - B. create irony since both appear together at the end.
 - C. foreshadow the resolution of the mystery.
 - D. foreshadow the death of one character.

Reading Skills

Read the following passage from Christine Gorman’s “Death by Mosquito,” then answer the question below.

From “Be Ye Men of Valor” a speech by Winston Churchill

I have received from the Chiefs of the French Republic, and in particular from its indomitable Prime Minister, M. Reynaud, the most sacred pledges that whatever happens they will fight to the end, be it bitter or be it glorious. Nay, if we fight to the end, it can only be glorious.

2. The tone of this paragraph is
 - A. pessimistic.
 - B. hopeful.
 - C. fearful.

Grammar and Usage

3. Choose A if the sentence is correct or B if it is incorrect.

John’s mother worries about him growing up.

- A. correct
- B. incorrect

Writing Skills

4. When developing a paper, a student should
 - A. create a detailed outline with specific paragraph topics.
 - B. gather sources written by experts to support ideas.
 - C. brainstorm the idea, write the paper, then go back and add quotes from sources.
 - D. Two of these.
 - E. A, B, and C.

Essay

Write a well-developed 4- to 5-paragraph essay on the following topic. Be certain to support your ideas, and be specific. Be sure that your essay has a clear introduction, body paragraphs, and conclusion. Develop a strong thesis statement and support your argument with detailed evidence from the literature. Use a formal tone. Be sure to create a title for your essay.

5. Discuss the theme of the poem "Ulysses." Use examples from the poem to support your ideas. Briefly summarize the poem in your introduction.

Sample Exam Answer Key

1. C
2. B
3. B
4. D

Texas Essential Knowledge and Skills ENG 4 – English IV

§110.34. English Language Arts and Reading, English IV (One Credit), Beginning with School Year 2009-2010.

(a) Introduction.

(1) The English Language Arts and Reading Texas Essential Knowledge and Skills (TEKS) are organized into the following strands: Reading, where students read and understand a wide variety of literary and informational texts; Writing, where students compose a variety of written texts with a clear controlling idea, coherent organization, and sufficient detail; Research, where students are expected to know how to locate a range of relevant sources and evaluate, synthesize, and present ideas and information; Listening and Speaking, where students listen and respond to the ideas of others while contributing their own ideas in conversations and in groups; and Oral and Written Conventions, where students learn how to use the oral and written conventions of the English language in speaking and writing. The standards are cumulative--students will continue to address earlier standards as needed while they attend to standards for their grade. In English IV, students will engage in activities that build on their prior knowledge and skills in order to strengthen their reading, writing, and oral language skills. Students should read and write on a daily basis.

(2) For students whose first language is not English, the students' native language serves as a foundation for English language acquisition.

(A) English language learners (ELLs) are acquiring English, learning content in English, and learning to read simultaneously. For this reason, it is imperative that reading instruction should be comprehensive and that students receive instruction in phonemic awareness, phonics, decoding, and word attack skills while simultaneously being taught academic vocabulary and comprehension skills and strategies. Reading instruction that enhances ELL's ability to decode unfamiliar words and to make sense of those words in context will expedite their ability to make sense of what they read and learn from reading. Additionally, developing fluency, spelling, and grammatical conventions of academic language must be done in meaningful contexts and not in isolation.

(B) For ELLs, comprehension of texts requires additional scaffolds to support comprehensible input. ELL students should use the knowledge of their first language (e.g., cognates) to further vocabulary development. Vocabulary needs to be taught in the context of connected discourse so that language is meaningful. ELLs must learn how rhetorical devices in English differ from those in their native language. At the same time English learners are learning in English, the focus is on academic English, concepts, and the language structures specific to the content.

(C) During initial stages of English development, ELLs are expected to meet standards in a second language that many monolingual English speakers find difficult to meet in their native language. However, English language learners' abilities to meet these standards will be influenced by their proficiency in English. While English language learners can analyze, synthesize, and evaluate, their level of English proficiency may impede their ability to demonstrate this knowledge during the initial stages of English language acquisition. It is also critical to understand that ELLs with no previous or with interrupted schooling will require explicit and strategic support as they acquire English and learn to learn in English simultaneously.

(3) To meet Public Education Goal 1 of the Texas Education Code, §4.002, which states, "The students in the public education system will demonstrate exemplary performance in the reading and writing of the English language," students will accomplish the essential knowledge, skills, and student expectations in English IV as described in subsection (b) of this section.

(4) To meet Texas Education Code, §28.002(h), which states, "... each school district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter and in reading courses and in the adoption of textbooks," students will be provided oral and written narratives as well as other informational texts that can help them to become thoughtful, active citizens who appreciate the basic democratic values of our state and nation.

(b) Knowledge and skills.

(1) Reading/Vocabulary Development. Students understand new vocabulary and use it when reading and writing. Students are expected to:

(A) determine the meaning of technical academic English words in multiple content areas (e.g., science, mathematics, social studies, the arts) derived from Latin, Greek, or other linguistic roots and affixes;

(B) analyze textual context (within a sentence and in larger sections of text) to draw conclusions about the nuance in word meanings;

(C) use the relationship between words encountered in analogies to determine their meanings (e.g., synonyms/antonyms, connotation/denotation);

(D) analyze and explain how the English language has developed and been influenced by other languages; and

(E) use general and specialized dictionaries, thesauri, histories of language, books of quotations, and other related references (printed or electronic) as needed.

(2) Reading/Comprehension of Literary Text/Theme and Genre. Students analyze, make inferences and draw conclusions about theme and genre in different cultural, historical, and contemporary contexts and provide evidence from the text to support their understanding. Students are expected to:

(A) compare and contrast works of literature that express a universal theme;

(B) compare and contrast the similarities and differences in classical plays with their modern day novel, play, or film versions; and

(C) relate the characters, setting, and theme of a literary work to the historical, social, and economic ideas of its time.

(3) Reading/Comprehension of Literary Text/Poetry. Students understand, make inferences and draw conclusions about the structure and elements of poetry and provide evidence from text to support their understanding. Students are expected to evaluate the changes in sound, form, figurative language, graphics, and dramatic structure in poetry across literary time periods.

(4) Reading/Comprehension of Literary Text/Drama. Students understand, make inferences and draw conclusions about the structure and elements of drama and provide evidence from text to support their understanding. Students are expected to evaluate how the structure and elements of drama change in the works of British dramatists across literary periods.

(5) Reading/Comprehension of Literary Text/Fiction. Students understand, make inferences and draw conclusions about the structure and elements of fiction and provide evidence from text to support their understanding. Students are expected to:

(A) analyze how complex plot structures (e.g., subplots) and devices (e.g., foreshadowing, flashbacks, suspense) function and advance the action in a work of fiction;

(B) analyze the moral dilemmas and quandaries presented in works of fiction as revealed by the underlying motivations and behaviors of the characters;

(C) compare and contrast the effects of different forms of narration across various genres of fiction; and

(D) demonstrate familiarity with works of fiction by British authors from each major literary period.

(6) Reading/Comprehension of Literary Text/Literary Nonfiction. Students understand, make inferences and draw conclusions about the varied structural patterns and features of literary nonfiction and provide evidence from text to support their understanding. Students are expected to analyze the effect of ambiguity, contradiction, subtlety, paradox, irony, sarcasm, and overstatement in literary essays, speeches, and other forms of literary nonfiction.

(7) Reading/Comprehension of Literary Text/Sensory Language. Students understand, make inferences and draw conclusions about how an author's sensory language creates imagery in literary text and provide evidence from text to support their understanding. Students are expected to analyze how the author's patterns of imagery, literary allusions, and conceits reveal theme, set tone, and create meaning in metaphors, passages, and literary works.

(8) Reading/Comprehension of Informational Text/Culture and History. Students analyze, make inferences and draw conclusions about the author's purpose in cultural, historical, and contemporary contexts and provide evidence from the text to support their understanding. Students are expected to analyze the consistency and clarity of the expression of the controlling idea and the ways in which the organizational and rhetorical patterns of text support or confound the author's meaning or purpose.

(9) Reading/Comprehension of Informational Text/Expository Text. Students analyze, make inferences and draw conclusions about expository text and provide evidence from text to support their understanding. Students are expected to:

(A) summarize a text in a manner that captures the author's viewpoint, its main ideas, and its elements without taking a position or expressing an opinion;

(B) explain how authors writing on the same issue reached different conclusions because of differences in assumptions, evidence, reasoning, and viewpoints;

(C) make and defend subtle inferences and complex conclusions about the ideas in text and their organizational patterns; and

(D) synthesize ideas and make logical connections (e.g., thematic links, author analysis) among multiple texts representing similar or different genres and technical sources and support those findings with textual evidence.

(10) Reading/Comprehension of Informational Text/Persuasive Text. Students analyze, make inferences and draw conclusions about persuasive text and provide evidence from text to support their analysis. Students are expected to:

(A) evaluate the merits of an argument, action, or policy by analyzing the relationships (e.g., implication, necessity, sufficiency) among evidence, inferences, assumptions, and claims in text; and

(B) draw conclusions about the credibility of persuasive text by examining its implicit and stated assumptions about an issue as conveyed by the specific use of language.

(11) Reading/Comprehension of Informational Text/Procedural Texts. Students understand how to glean and use information in procedural texts and documents. Students are expected to:

(A) draw conclusions about how the patterns of organization and hierarchic structures support the understandability of text; and

(B) evaluate the structures of text (e.g., format, headers) for their clarity and organizational coherence and for the effectiveness of their graphic representations.

(12) Reading/Media Literacy. Students use comprehension skills to analyze how words, images, graphics, and sounds work together in various forms to impact meaning. Students will continue to apply earlier standards with greater depth in increasingly more complex texts. Students are expected to:

(A) evaluate how messages presented in media reflect social and cultural views in ways different from traditional texts;

(B) evaluate the interactions of different techniques (e.g., layout, pictures, typeface in print media, images, text, sound in electronic journalism) used in multi-layered media;

(C) evaluate how one issue or event is represented across various media to understand the notions of bias, audience, and purpose; and

(D) evaluate changes in formality and tone across various media for different audiences and purposes.

(13) Writing/Writing Process. Students use elements of the writing process (planning, drafting, revising, editing, and publishing) to compose text. Students are expected to:

- (A) plan a first draft by selecting the correct genre for conveying the intended meaning to multiple audiences, determining appropriate topics through a range of strategies (e.g., discussion, background reading, personal interests, interviews), and developing a thesis or controlling idea;
- (B) structure ideas in a sustained and persuasive way (e.g., using outlines, note taking, graphic organizers, lists) and develop drafts in timed and open-ended situations that include transitions and the rhetorical devices to convey meaning;
- (C) revise drafts to clarify meaning and achieve specific rhetorical purposes, consistency of tone, and logical organization by rearranging the words, sentences, and paragraphs to employ tropes (e.g., metaphors, similes, analogies, hyperbole, understatement, rhetorical questions, irony), schemes (e.g., parallelism, antithesis, inverted word order, repetition, reversed structures), and by adding transitional words and phrases;
- (D) edit drafts for grammar, mechanics, and spelling; and
- (E) revise final draft in response to feedback from peers and teacher and publish written work for appropriate audiences.

(14) Writing/Literary Texts. Students write literary texts to express their ideas and feelings about real or imagined people, events, and ideas. Students are responsible for at least two forms of literary writing. Students are expected to:

- (A) write an engaging story with a well-developed conflict and resolution, a clear theme, complex and non-stereotypical characters, a range of literary strategies (e.g., dialogue, suspense), devices to enhance the plot, and sensory details that define the mood or tone;
- (B) write a poem that reflects an awareness of poetic conventions and traditions within different forms (e.g., sonnets, ballads, free verse); and
- (C) write a script with an explicit or implicit theme, using a variety of literary techniques.

(15) Writing/Expository and Procedural Texts. Students write expository and procedural or work-related texts to communicate ideas and information to specific audiences for specific purposes. Students are expected to:

- (A) write an analytical essay of sufficient length that includes:
 - (i) effective introductory and concluding paragraphs and a variety of sentence structures;
 - (ii) rhetorical devices, and transitions between paragraphs;
 - (iii) a clear thesis statement or controlling idea;
 - (iv) a clear organizational schema for conveying ideas;
 - (v) relevant and substantial evidence and well-chosen details;
 - (vi) information on all relevant perspectives and consideration of the validity, reliability, and relevance of primary and secondary sources; and
 - (vii) an analysis of views and information that contradict the thesis statement and the evidence presented for it;
 - (B) write procedural and work-related documents (e.g., résumés, proposals, college applications, operation manuals) that include:
 - (i) a clearly stated purpose combined with a well-supported viewpoint on the topic;
 - (ii) appropriate formatting structures (e.g., headings, graphics, white space);
 - (iii) relevant questions that engage readers and address their potential problems and misunderstandings;
 - (iv) accurate technical information in accessible language; and
 - (v) appropriate organizational structures supported by facts and details (documented if appropriate);
 - (C) write an interpretation of an expository or a literary text that:
 - (i) advances a clear thesis statement;
 - (ii) addresses the writing skills for an analytical essay including references to and commentary on quotations from the text;
 - (iii) analyzes the aesthetic effects of an author's use of stylistic or rhetorical devices;
 - (iv) identifies and analyzes ambiguities, nuances, and complexities within the text; and
 - (v) anticipates and responds to readers' questions and contradictory information; and
 - (D) produce a multimedia presentation (e.g., documentary, class newspaper, docudrama, infomercial, visual or textual parodies, theatrical production) with graphics, images, and sound that appeals to a specific audience and synthesizes information from multiple points of view.
- (16) Writing/Persuasive Texts.** Students write persuasive texts to influence the attitudes or actions of a specific audience on specific issues. Students are expected to write an argumentative essay (e.g., evaluative essays, proposals) to the appropriate audience that includes:
- (A) a clear thesis or position based on logical reasons with various forms of support (e.g., hard evidence, reason, common sense, cultural assumptions);
 - (B) accurate and honest representation of divergent views (i.e., in the author's own words and not out of context);
 - (C) an organizing structure appropriate to the purpose, audience, and context;

- (D) information on the complete range of relevant perspectives;
- (E) demonstrated consideration of the validity and reliability of all primary and secondary sources used;
- (F) language attentively crafted to move a disinterested or opposed audience, using specific rhetorical devices to back up assertions (e.g., appeals to logic, emotions, ethical beliefs); and
- (G) an awareness and anticipation of audience response that is reflected in different levels of formality, style, and tone.

(17) Oral and Written Conventions/Conventions. Students understand the function of and use the conventions of academic language when speaking and writing. Students will continue to apply earlier standards with greater complexity. Students are expected to:

- (A) use and understand the function of different types of clauses and phrases (e.g., adjectival, noun, adverbial clauses and phrases); and
- (B) use a variety of correctly structured sentences (e.g., compound, complex, compound-complex).

(18) Oral and Written Conventions/Handwriting, Capitalization, and Punctuation. Students write legibly and use appropriate capitalization and punctuation conventions in their compositions. Students are expected to correctly and consistently use conventions of punctuation and capitalization.

(19) Oral and Written Conventions/Spelling. Students spell correctly. Students are expected to spell correctly, including using various resources to determine and check correct spellings.

(20) Research/Research Plan. Students ask open-ended research questions and develop a plan for answering them. Students are expected to:

- (A) brainstorm, consult with others, decide upon a topic, and formulate a major research question to address the major research topic; and
- (B) formulate a plan for engaging in in-depth research on a complex, multi-faceted topic.

(21) Research/Gathering Sources. Students determine, locate, and explore the full range of relevant sources addressing a research question and systematically record the information they gather. Students are expected to:

- (A) follow the research plan to gather evidence from experts on the topic and texts written for informed audiences in the field, distinguishing between reliable and unreliable sources and avoiding over-reliance on one source;
- (B) systematically organize relevant and accurate information to support central ideas, concepts, and themes, outline ideas into conceptual maps/timelines, and separate factual data from complex inferences; and
- (C) paraphrase, summarize, quote, and accurately cite all researched information according to a standard format (e.g., author, title, page number), differentiating among primary, secondary, and other sources.

(22) Research/Synthesizing Information. Students clarify research questions and evaluate and synthesize collected information. Students are expected to:

- (A) modify the major research question as necessary to refocus the research plan;
- (B) differentiate between theories and the evidence that supports them and determine whether the evidence found is weak or strong and how that evidence helps create a cogent argument; and
- (C) critique the research process at each step to implement changes as the need occurs and is identified.

(23) Research/Organizing and Presenting Ideas. Students organize and present their ideas and information according to the purpose of the research and their audience. Students are expected to synthesize the research into an extended written or oral presentation that:

- (A) provides an analysis that supports and develops personal opinions, as opposed to simply restating existing information;
- (B) uses a variety of formats and rhetorical strategies to argue for the thesis;
- (C) develops an argument that incorporates the complexities of and discrepancies in information from multiple sources and perspectives while anticipating and refuting counter-arguments;
- (D) uses a style manual (e.g., *Modern Language Association*, *Chicago Manual of Style*) to document sources and format written materials; and
- (E) is of sufficient length and complexity to address the topic.

(24) Listening and Speaking/Listening. Students will use comprehension skills to listen attentively to others in formal and informal settings. Students will continue to apply earlier standards with greater complexity. Students are expected to:

- (A) listen responsively to a speaker by framing inquiries that reflect an understanding of the content and by identifying the positions taken and the evidence in support of those positions; and
- (B) assess the persuasiveness of a presentation based on content, diction, rhetorical strategies, and delivery.

(25) Listening and Speaking/Speaking. Students speak clearly and to the point, using the conventions of language. Students will continue to apply earlier standards with greater complexity. Students are expected to formulate sound arguments by using elements of classical speeches (e.g., introduction, first and second transitions, body, and conclusion), the art of persuasion, rhetorical devices, eye contact, speaking rate (e.g., pauses for effect), volume, enunciation, purposeful gestures, and conventions of language to communicate ideas effectively.

(26) Listening and Speaking/Teamwork. Students work productively with others in teams. Students will continue to apply earlier standards with greater complexity. Students are expected to participate productively in teams, offering ideas or judgments that are purposeful in moving the

team towards goals, asking relevant and insightful questions, tolerating a range of positions and ambiguity in decision-making, and evaluating the work of the group based on agreed-upon criteria.

Source: The provisions of this §110.34 adopted to be effective September 4, 2008, 33 TexReg 7162.