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Case of the Month

Community college is a local government entity for purposes of the Texas Local Government Code chapter 271 waiver of immunity for certain contract claims.

Tarrant County College entered into a 10-year agreement with Anthology, Inc., a higher education software solutions provider, to provide enterprise resource planning products and services. About a year into the agreement, the college terminated the agreement without cause consistent with the agreement's terms and stated that it would not pay the early termination fee because it contravened Texas law and the intent of the parties reflected in the agreement. After attempts to resolve the issue informally failed, Anthology sued the college, arguing the college breached the contract and failed to pay the \$23 million it was owed. The college filed a motion to dismiss, which the federal district court granted. The Fifth Circuit Court of Appeals vacated the judgment and remanded the case. The college renewed its motion.

The federal district court considered whether [Texas Government Code chapter 2260](#), which establishes an administrative process for resolving contract disputes against a unit of state government, or [Texas Local Government Code chapter 271](#), which does not require a party to exhaust administrative remedies before filing certain breach of contract actions against a local governmental entity, applies to the college. The court analyzed the references to *junior college* and *junior college district* in the statutes. The court found it significant that *unit of state government* in Texas Government Code chapter 2260 is defined to include an *institution of higher education*, a term that is defined to include a *public junior college*, which itself is defined to be "a junior college associated with a junior college district." Tex. Educ. Code § 61.003(2). The court pointed to Texas Higher Education Coordinating Board records that identify Tarrant County College as a public junior college and concluded that the college is therefore a unit of state government under Chapter 2260. The court did not address the exception to the definition applicable to political subdivisions.

The court turned to the definition of *local government entity* in Texas Local Government Code chapter 271 and noted it expressly includes a *junior college district*. The court considered whether there is a meaningful distinction between *junior college* and *junior college district*. The court determined that the legislature differentiated the terms by using them in different contexts in statutes. However, the court noted the Fifth Circuit and other federal district courts have not distinguished a junior college from a junior college district. The federal district court ultimately concluded that, because the Fifth Circuit stated in this case that the college is a junior college district, the college is a local government entity subject to Texas Local Government Code chapter 271. The court denied the college's motion. [Anthology, Inc. v. Tarrant Cnty. Coll. Dist.](#), No. 4:24-cv-00279-P, 2025 WL 3268410 (N.D. Tex. Nov. 24, 2025) (mem.).

Why is This Case Significant?

The federal district court discussed the distinction between a junior college and a junior college district but ultimately relied on precedent that the college in this case is a junior college district and therefore contract claims against the college are subject to Texas Local Government Code 271 instead of Texas Government Code chapter 2260.

Highlights

New on eLaw: [Deadlines for May 2026 Community College Elections](#)

Resources

[Texas Higher Education Coordinating Board](#)
[Texas Legislature](#)
[Texas Statutes](#)
[Texas Attorney General](#)
[U.S. Department of Education](#)



From the Courts and the Attorney General

Governance

The U.S. Supreme Court stayed the injunction issued by the lower court against Texas's use of the 2025 congressional map pending appeal. [*Abbott v. League of United Latin American Citizens*](#), No. 25A608, 2025 WL 3484863 (W.D. Tex. Dec. 4, 2025).

Texas was enjoined from using the 2025 congressional map and instead must use the 2021 congressional map for upcoming elections. [*League of United Latin American Citizens v. Abbott*](#), No. EP-21-CV-00259-DCG-JES-JVB, 2025 WL 3215715 (W.D. Tex. Nov. 18, 2025) (mem.).

Business and Finance

The Texas attorney general was preliminarily enjoined from implementing or enforcing the [*Texas App Store Accountability Act*](#). [*Students Engaged in Advancing Tex. v. Paxton*](#), No. 1:25-CV-1662-RP, 2025 WL 3731733 (W.D. Tex. Dec. 23, 2025); [*Computer & Comms. Industry Assoc. v Paxton*](#), No. 1:25-CV-1660-RP, 2025 WL 3754045 (W.D. Tex. Dec. 23, 2025).

Personnel

University vice president, who was not promoted to president, provided sufficient evidence to overcome dismissal of her claims that members of the university's board of trustees discriminated against her on the basis of sex in violation of the U.S. Constitution [*Fourteenth Amendment*](#) Equal Protection Clause because she alleged she was not granted an interview despite her qualifications and the members selected a less experienced male deputy commissioner of the board who had not applied for the position. [*Jackson v. Duff*](#), 161 F.4th 343 (5th Cir. Dec. 10, 2025).

Former nurse, who was terminated by a university medical branch for failure to vaccinate against COVID-19 or receive an approved exemption in violation of policy, provided sufficient evidence to overcome dismissal of her claims the university medical branch discriminated against her on the basis of her religion and failed to accommodate her in violation of [*Title VII of the Civil Rights Act of 1964*](#) because she alleged she provided a letter detailing her beliefs prior to termination but the university medical branch did not grant an accommodation or engage in an interactive process. [*Smith v. Univ. of Tex. Med. Branch*](#), No. 3:24-cv-00336, 2026 WL 87163 (S.D. Tex. Jan. 12, 2026) (adopting the report and recommendation in [*Smith v. Univ. of Tex. Med. Branch*](#), No. 3:24-cv-00336, 2025 WL 3677525 (S.D. Tex. Dec. 18, 2025)).

Former librarian, who was a homosexual Hispanic male and who was terminated by a community college for ongoing performance deficiencies and plagiarism and replaced by a Hispanic female, failed to provide sufficient evidence to overcome summary judgment on his claims that he was discriminated against on the basis of his national origin and sexual orientation, was subjected to a hostile work environment, and was retaliated against in violation of the [*Texas Commission on Human Rights Act*](#) (TCHRA). [*South Tex. Coll. v. Villagran*](#), No. 13-24-00224-CV, 2026 WL 62579 (Tex. App.—Corpus Christi Jan. 8, 2026, no pet. h.) (mem. op.).

Former employee, who was employed at will by a university and who was terminated after taking leave following a car accident, failed to provide sufficient evidence to overcome dismissal of her claims she was wrongfully terminated by the university in violation of Texas common law and that the university failed to accommodate her disability in violation

of the federal [Americans with Disabilities Act](#). [Livingston v. Southern New Hampshire Univ.](#), No. H-25-5085, 2025 WL 3280885 (S.D. Tex. Nov. 25, 2025).

Former lead custodian at a community college, who alleged the college knew of his diabetes and anxiety and who was replaced by a qualified person only a year or two younger than him following his termination for submitting incorrect janitorial inventory reports, failed to provide sufficient evidence to overcome summary judgment on his claims that the college discriminated against him on the basis of his age and disability, retaliated against him, and subjected him to a hostile environment in violation of the [TCHRA](#). [South Tex. Coll. v. Fuentes](#), No. 13-24-00049-CV, 2026 WL 111223 (Tex. App.—Corpus Christi Jan. 15, 2026, no pet. h.) (mem. op.).

Former medical resident, who alleged he disclosed to a university that he had ADHD and who was terminated from the university pediatric residency program for repeatedly failing to independently diagnose and treat his patients and placing them at risk, failed to provide sufficient evidence to overcome summary judgment on his claims that the university failed to accommodate his disability and retaliated against him in violation of the [Rehabilitation Act Section 504](#). [Goodman v. Tex. Tech Univ. Health Scis.Ctr.](#), No. 5:23-CV-210-H, 2025 WL 3755313 (N.D. Tex. Dec. 29, 2025) (mem.).

Students and Instruction

Registered student organization that applied to hold a charity drag show in a university facility this spring failed to provide sufficient evidence to support its motion for summary judgment on its claim that, absent court intervention, the university president will cancel the show in violation of the U.S. Constitution [First](#)

[Amendment](#). [Spectrum WT v. Wendler](#), No. 2:23-CV-048-Z, 2026 WL 92040 (N.D. Tex. Jan. 13, 2026) (mem.).¹

Open Records Letter Rulings

This month, the attorney general issued Open Records Letter Rulings² based on requests from Texas community colleges related to:

- Certain contracts and supporting documentation. Tex. Att’y Gen. Op. [OR2025-41521](#) (Nov. 17, 2025);
- Certain complaints. Tex. Att’y Gen. Op. [OR2025-41702](#) (Nov. 18, 2025);
- The winning proposal in a solicitation. Tex. Att’y Gen. Op. [OR2025-41738](#) (Nov. 18, 2025);
- Records prepared for a board session. Tex. Att’y Gen. Op. [OR2025-41966](#) (Nov. 20, 2025);
- Information regarding certain products. Tex. Att’y Gen. Op. [OR2025-42336](#) (Nov. 24, 2025);
- Certain communications regarding a property. Tex. Att’y Gen. Op. [OR2025-42611](#) (Dec. 1, 2025);
- Information regarding a solicitation. Tex. Att’y Gen. Op. [OR2025-42711A](#) (Jan. 7, 2026), [OR2025-43921](#) (Dec. 10, 2025), [OR2026-415](#) (Jan. 8, 2026);
- Information regarding certain vendors. Tex. Att’y Gen. Op. [OR2025-42796](#) (Dec. 2, 2025);
- Certain communications to a specified party. Tex. Att’y Gen. Op. [OR2025-42848](#) (Dec. 2, 2025);
- Communications regarding a certain individual. Tex. Att’y Gen. Op. [OR2025-42911](#) (Dec. 2, 2025);
- Information regarding an incident. Tex. Att’y Gen. Op. [OR2025-43030](#) (Dec. 3, 2025);

¹ This case was summarized in the [October 2023](#), [March 2024](#), and [September 2025](#) Community College Services Legal Update.

² Open record letter rulings are limited to the particular records at issue and the facts as presented to the attorney general. These rulings must not be relied upon as a previous determination regarding any other records or any other circumstances.

- [OR2025-44348](#) (Dec. 12, 2025), [OR2025-44517](#) (Dec. 15, 2025), [OR2025-44579](#) (Dec. 15, 2025);
- Contracts with certain companies. Tex. Att’y Gen. Op. [OR2025-42954](#) (Dec. 3, 2025);
- Information regarding a request for proposals. Tex. Att’y Gen. Op. [OR2025-43233](#) (Dec. 4, 2025), [OR2025-44710](#) (Dec. 16, 2025), [OR2025-44828](#) (Dec. 16, 2025), [OR2025-44844](#) (Dec. 16, 2025), [OR2026-363](#) (Jan. 7, 2026), [OR2026-372](#) (Jan. 7, 2026);
- Personnel records regarding an individual. Tex. Att’y Gen. Op. [OR2025-43657](#) (Dec. 8, 2025);
- Communications and information regarding the requestor and an individual and employee searches. Tex. Att’y Gen. Op. [OR2025-44254](#) (Dec. 11, 2025);
- Certain reports by an individual. Tex. Att’y Gen. Op. [OR2025-44845](#) (Dec. 16, 2025);
- Information regarding an employee and a complaint. Tex. Att’y Gen. Op. [OR2025-44863](#) (Dec. 17, 2025);
- An official photograph or digital image of a faculty member. Tex. Att’y Gen. Op. [OR2025-45071](#) (Dec. 18, 2025);
- A photograph of an employee. Tex. Att’y Gen. Op. [OR2025-45123](#) (Dec. 18, 2025);
- Former police officer’s personnel file. Tex. Att’y Gen. Op. [OR2025-45281](#) (Dec. 19, 2025);
- Records regarding the application and denial of an individual. Tex. Att’y Gen. Op. [OR2025-45282](#) (Dec. 19, 2025);
- Information regarding a vendor. Tex. Att’y Gen. Op. [OR2026-77](#) (Jan. 5, 2026);
- Information regarding certain services. Tex. Att’y Gen. Op. [OR2026-102](#) (Jan. 5, 2026);
- Information regarding certain subscriptions. Tex. Att’y Gen. Op. [OR2026-294](#) (Jan. 7, 2026);
- Information regarding certain contracts. Tex. Att’y Gen. Op. [OR2026-700](#) (Jan. 12, 2026);
- Certain law enforcement information. Tex. Att’y Gen. Op. [OR2026-834](#) (Jan. 12, 2026);
- A contract. Tex. Att’y Gen. Op. [OR2026-946](#) (Jan. 13, 2026); and
- A contract with a named private company. Tex. Att’y Gen. Op. [OR2026-960](#) (Jan. 13, 2026).



Recent Regulations and Guidance

The Texas Comptroller adopted [regulations](#) addressing the education account program, a program in which approved community colleges may participate as higher education providers, in response to statutory changes made by the 89th Legislature.

The comptroller readopted [regulations](#) addressing the Prepaid Higher Education Tuition Program, property tax administration, unclaimed property reporting, and other provisions that were subject to a rule review.

The Teacher Retirement System of Texas (TRS) amended a [regulation](#) to remove the prohibition on passing the cost of the return-to-

work employer pension surcharge to retirees in response to statutory changes made by the 89th Legislature.

TRS amended a [regulation](#) addressing the restatement of an account.

TRS amended [regulations](#) addressing the distribution of benefits, including survivor benefits.

The Texas Ethics Commission repealed and amended [regulations](#) addressing campaign finance reporting and restrictions.

The Texas State Library and Archives Commission repealed and adopted [regulations](#) addressing the local government records retention schedules to update the schedules and reorganize them for administrative efficiency.

The Texas Health and Human Services Commission (HHSC) adopted a [regulation](#) permitting physicians to prescribe pulmonary inhalation devices for low-THC cannabis.

HHSC amended a [regulation](#) addressing personal flotation device requirements for school-age and before or after-school programs that grant children access to swimming pools.

The Texas Workforce Commission amended [regulations](#) to address child care services, including the child care waiting list priority for child care workers' children in response to statutory changes made by the 89th Legislature.

The State Board for Educator Certification amended [regulations](#) addressing educator preparation program standards and accountability.

The Texas Board of Professional Engineers and Land Surveyors amended a [regulation](#) addressing continuing education of land surveyors.

The State Board of Dental Examiners amended a [regulation](#) to address the timing and approval of a clinical remediation course certain applicants for dental hygienist licensure must take.

The Texas Board of Occupational Therapy Examiners amended [regulations](#) to update the criminal history provisions applicable to occupational therapy assistant applicants and licensees.

The Texas Appraiser Licensing and Certification Board amended [regulations](#) to address practicum courses. The Texas Board of Nursing readopted [regulations](#) addressing nursing education that were subject to a rule review.

The Texas Secretary of State adopted and amended [regulations](#) addressing the qualifications for notary public in response to statutory changes made by the 89th Legislature.

The Texas Department of Public Safety (DPS) adopted [regulations](#) addressing the certification of tactical medical professional instructors and tactical medical professional certification courses in response to statutory changes made by the 89th Legislature.

DPS adopted [regulations](#) addressing automated motor vehicles, including the submission of first responder interaction plans for use by first responders interacting with the vehicles in response to statutory changes made by the 89th Legislature.

The Texas Department of Insurance, Division of Workers' Compensation, repealed [regulations](#) addressing medical billing and disputes because they were out of date.

The U.S. Department of Justice amended [regulations](#) addressing Title VI to eliminate liability for disparate-impact discrimination, in response to Executive Order [14281](#) issued April 23, 2025, and focus only on disparate-treatment discrimination when enforcing the statute.

The U.S. Department of Homeland Security amended [regulations](#) addressing H-1B petitions subject to the cap to favor allocations to immigrants in higher-paid positions, a change that may impact the ability of an international student to obtain H-1B worker status immediately following graduation.



In the News

The Texas Comptroller announced the launch of the [Local Government Bond, Tax, and Project Transparency Database](#).

The President issued an executive order, directing federal agencies to review and address [state artificial intelligence laws](#) with the goal of establishing a national policy framework.

The U.S. Department of Education added an [earnings indicator](#) to the Free Application for Federal Student Aid (FAFSA) form.

The U.S. Department of Justice Office of Legal Counsel issued an [opinion](#) stating that some of the U.S. Department of Education's race-based programs, such as the Hispanic-Serving Institutions and Predominantly Black Institutions programs, are unconstitutional because they discriminate on the basis of race.

The U.S. Equal Employment Opportunity Commission voted to rescind the 2024 [Enforcement Guidance on Harassment in the Workplace](#).