

By: Dutton, King of Hemphill, Huberty,
Murphy

H.B. No. 3270

Substitute the following for H.B. No. 3270:

By: Dutton

C.S.H.B. No. 3270

A BILL TO BE ENTITLED

1 AN ACT
2 relating to public school organization, accountability, and fiscal
3 management.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 ARTICLE 1. STATE AND LOCAL ORGANIZATION AND GOVERNANCE

6 SECTION 1.01. Section 7.055, Education Code, is amended by
7 adding Subsection (d) to read as follows:

8 (d) Notwithstanding any other law, the commissioner's power
9 to delegate ministerial and executive functions under Subsection
10 (b)(5) is a valid delegation of authority.

11 SECTION 1.02. Section 11.151(b), Education Code, is amended
12 to read as follows:

13 (b) Except as provided by Sections 39A.201 and 39A.202, the
14 ~~The~~ trustees as a body corporate have the exclusive power and duty
15 to govern and oversee the management of the public schools of the
16 district. All powers and duties not specifically delegated by
17 statute to the agency or to the State Board of Education are
18 reserved for the trustees, and the agency may not substitute its
19 judgment for the lawful exercise of those powers and duties by the
20 trustees.

21 SECTION 1.03. Section 11.1511(a), Education Code, is
22 amended to read as follows:

23 (a) In addition to powers and duties under Section 11.151 or
24 other law, the board of trustees of an independent school district

1 has the powers and duties provided by Subsection (b), except as
2 otherwise provided by Sections 39A.201 and 39A.202.

3 ARTICLE 2. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY

4 SECTION 2.01. Chapter 5, Education Code, is amended by
5 adding Section 5.003 to read as follows:

6 Sec. 5.003. FINAL AND UNAPPEALABLE. In this title, if an
7 order, decision, or determination is described as final and
8 unappealable, no interlocutory or intermediate order, decision, or
9 determination made or reached before the final order, decision, or
10 determination may be appealed.

11 SECTION 2.02. Sections 39.057 and 39.058, Education Code,
12 are transferred to Subchapter A, Chapter 39, Education Code,
13 redesignated as Sections 39.003 and 39.004, Education Code, and
14 amended to read as follows:

15 Sec. 39.003 [~~39.057~~]. SPECIAL [ACCREDITATION]
16 INVESTIGATIONS. (a) The commissioner may authorize special
17 [~~accreditation~~] investigations to be conducted:

18 (1) to determine if an academic program offered by a
19 school district is providing students the quality education to
20 which students are entitled under Title 1 and this title, including
21 an investigation regarding:

22 (A) the proportion of students in each
23 demographic group participating in the program;

24 (B) whether an excessive number of students are
25 participating in a particular program or are being exempted from
26 state requirements; or

27 (C) whether all students have equitable access to

1 the program, including advanced learning options [~~when excessive~~
2 ~~numbers of absences of students eligible to be tested on state~~
3 ~~assessment instruments are determined~~];

4 (2) [~~when excessive numbers of allowable exemptions~~
5 ~~from the required state assessment instruments are determined,~~

6 ~~(3)~~] in response to complaints submitted to the
7 agency with respect to alleged violations of civil rights or other
8 requirements imposed on the state by federal law or court order;

9 (3) regarding a [~~(4) in response to established~~
10 ~~compliance reviews of the~~] district's financial accounting
11 practices and fiscal management;

12 (4) to determine whether a district is complying with
13 state and federal [~~program~~] requirements;

14 (5) when extraordinary numbers of student placements
15 in disciplinary alternative education programs, other than
16 placements under Sections 37.006 and 37.007, are determined;

17 (6) in response to an allegation involving a conflict
18 between members of the board of trustees or between the board and
19 the district administration if it appears that the conflict
20 involves a violation of a role or duty of the board members or the
21 administration clearly defined by this code;

22 (7) regarding educational [~~when excessive numbers of~~
23 ~~students in special education~~] programs provided under [~~Subchapter~~
24 ~~A,~~] Chapter 29[~~, are assessed through assessment instruments~~
25 ~~developed or adopted under Section 39.023(b)~~];

26 (8) in response to an allegation regarding or an
27 analysis using a statistical method result indicating a possible

1 violation of an assessment instrument security procedure
2 established under Section 39.0301, including for the purpose of
3 investigating or auditing a school district under that section;

4 (9) ~~[when a significant pattern of decreased academic~~
5 ~~performance has developed as a result of the promotion in the~~
6 ~~preceding two school years of students who did not perform~~
7 ~~satisfactorily as determined by the commissioner under Section~~
8 ~~39.0241(a) on assessment instruments administered under Section~~
9 ~~39.023(a), (c), or (1)];~~

10 ~~[(10) when excessive numbers of students eligible to~~
11 ~~enroll fail to complete an Algebra II course or any other advanced~~
12 ~~course as determined by the commissioner];~~

13 ~~[(11)]~~ when resource allocation practices as
14 evaluated under Section 39.0821 indicate a potential for
15 significant improvement in resource allocation;

16 (10) regarding ~~[(12) when a disproportionate number of~~
17 ~~students of a particular demographic group is graduating with a~~
18 ~~particular endorsement under Section 28.025(c-1)];~~

19 ~~[(13) when an excessive number of students is~~
20 ~~graduating with a particular endorsement under Section~~
21 ~~28.025(c-1)];~~

22 ~~[(14) in response to a complaint submitted to the~~
23 ~~agency with respect to] alleged inaccurate data ~~[that is]~~ reported;~~

24 (A) through the Public Education Information
25 Management System (PEIMS);

26 (B) ~~[or]~~ through other reports required by state
27 or federal law or rule or court order and that is used by the agency

1 to make a determination relating to public school accountability,
2 including accreditation, under this chapter; or

3 (C) to the agency, including a material
4 misrepresentation made in the course of a special investigation
5 under this section;

6 (11) [~~(15)~~] when a school district for any reason
7 fails to produce, at the request of the agency, evidence or an
8 investigation report, including an investigation report relating
9 to an educator who is under investigation by the State Board for
10 Educator Certification;

11 (12) regarding whether an improper use of public funds
12 has occurred; or

13 (13) [~~(16)~~] as the commissioner otherwise determines
14 necessary.

15 (b) If the agency's findings in an investigation under
16 Subsection (a)(6) indicate that the board of trustees has observed
17 a lawfully adopted policy that does not otherwise violate a law or
18 rule, the agency may not substitute its judgment for that of the
19 board.

20 (c) The commissioner may authorize special [~~accreditation~~]
21 investigations to be conducted in response to repeated complaints
22 submitted to the agency concerning imposition of excessive
23 paperwork requirements on classroom teachers.

24 (d) Based on the results of a special [~~accreditation~~]
25 investigation, the commissioner may:

26 (1) take any [~~appropriate~~] action under Chapter 39A,
27 regardless of any requirements applicable to the action that are

1 provided by that chapter;

2 (2) lower the school district's accreditation status
3 or a district's or campus's accountability rating; or

4 (3) take action under both Subdivisions (1) and (2).

5 (e) At any time before issuing a report with the agency's
6 final findings, the commissioner may defer taking an action under
7 Subsection (d) until:

8 (1) a person who is a third party, selected by the
9 commissioner, has reviewed programs or other subjects of an
10 investigation under this section and submitted a report identifying
11 problems and proposing solutions;

12 (2) a district completes a corrective action plan
13 developed by the commissioner; or

14 (3) the completion of actions under both Subdivisions
15 (1) and (2).

16 (f) Based on the results of an action taken under Subsection
17 (e), the commissioner may decline to take the deferred action under
18 Subsection (d) [Regardless of whether the commissioner lowers the
19 school district's accreditation status or a district's or campus's
20 performance rating under Subsection (d), the commissioner may take
21 action under Section 39A.002 or 39A.051 if the commissioner
22 determines that the action is necessary to improve any area of a
23 district's or campus's performance, including the district's
24 financial accounting practices].

25 Sec. 39.004 [39.058]. CONDUCT OF SPECIAL [ACCREDITATION]
26 INVESTIGATIONS. (a) The agency shall adopt written procedures for
27 conducting special [accreditation] investigations [under this

1 ~~subchapter~~], including procedures that allow the agency to obtain
2 information from district employees in a manner that prevents a
3 district or campus from screening the information. The agency
4 shall make the procedures available on the agency Internet website.
5 Agency staff must be trained in the procedures and must follow the
6 procedures in conducting the special ~~[accreditation]~~
7 investigation.

8 (a-1) If the agency determines that it is necessary to
9 protect the welfare of the witness, the agency may classify the
10 identity of a witness as confidential and not subject to disclosure
11 to the district or under Chapter 552, Government Code.

12 (b) After completing a special ~~[accreditation]~~
13 investigation, the agency shall present preliminary findings to any
14 person or entity the agency finds has violated a law, rule, or
15 policy. Before issuing a report with its final findings, the agency
16 must provide a person or entity the agency finds has violated a law,
17 rule, or policy an opportunity for an informal review by the
18 commissioner or the commissioner's designee ~~[a designated hearing~~
19 ~~examiner]~~.

20 (c) An informal review under this section is not a contested
21 case for purposes of Chapter 2001, Government Code, and a
22 determination or decision made by the agency under this section is
23 final and unappealable.

24 SECTION 2.03. Section 39.054, Education Code, is amended by
25 amending Subsections (a), (a-3), and (b-1) and adding Subsections
26 (a-4) and (a-5) to read as follows:

27 (a) Except as provided by Subsection (a-4), the ~~[The]~~

1 commissioner shall adopt rules to evaluate school district and
2 campus performance and assign each district and campus an overall
3 performance rating of A, B, C, D, or F. In addition to the overall
4 performance rating, the commissioner shall assign each district and
5 campus a separate domain performance rating of A, B, C, D, or F for
6 each domain under Section 39.053(c). An overall or domain
7 performance rating of A reflects exemplary performance. An overall
8 or domain performance rating of B reflects recognized performance.
9 An overall or domain performance rating of C reflects acceptable
10 performance. An overall or domain performance rating of D reflects
11 performance that needs improvement. An overall or domain
12 performance rating of F reflects unacceptable performance. A
13 district may not receive an overall or domain performance rating of
14 A if the district includes any campus with a corresponding overall
15 or domain performance rating of D or F. If a school district has
16 been approved under Section 39.0544 to assign campus performance
17 ratings and the commissioner has not assigned a campus an overall
18 performance rating of D or F, the commissioner shall assign the
19 campus an overall performance rating based on the school district
20 assigned performance rating under Section 39.0544. A reference in
21 law to an acceptable rating or acceptable performance includes an
22 overall or domain performance rating of A, B, C, or D or performance
23 that is exemplary, recognized, or acceptable performance or
24 performance that needs improvement.

25 (a-3) Not later than August 15 of each year, the following
26 information [~~performance ratings of each district and campus~~] shall
27 be made publicly available as provided by rules adopted under this

1 section:

2 (1) the performance ratings of each school district
3 and campus; and

4 (2) if applicable, the number of consecutive school
5 years of unacceptable performance ratings for each district and
6 campus.

7 (a-4) Notwithstanding any other law, the commissioner may
8 assign a school district or campus an overall performance rating of
9 "Not Rated" if the commissioner determines that the assignment of a
10 performance rating of A, B, C, D, or F would be inappropriate
11 because:

12 (1) the district or campus is located in an area that
13 is subject to a declaration of a state of disaster under Chapter
14 418, Government Code, and due to the disaster, performance
15 indicators for the district or campus are difficult to measure or
16 evaluate and would not accurately reflect quality of learning and
17 achievement for the district or campus;

18 (2) the district or campus has experienced breaches or
19 other failures in data integrity to the extent that accurate
20 analysis of data regarding performance indicators is not possible;

21 (3) the number of students enrolled in the district or
22 campus is insufficient to accurately evaluate the performance of
23 the district or campus; or

24 (4) for other reasons outside the control of the
25 district or campus, the performance indicators would not accurately
26 reflect quality of learning and achievement for the district or
27 campus.

1 (a-5) Notwithstanding any other law, an overall performance
2 rating of "Not Rated" is not included in calculating consecutive
3 school years and is not considered a break in consecutive school
4 years for purposes of Chapter 39A.

5 (b-1) Consideration of the effectiveness of district
6 programs under Section 39.052(b)(2)(B) or (C):

7 (1) must:

8 (A) be based on data collected through the Public
9 Education Information Management System (PEIMS) for purposes of
10 accountability under this chapter; and

11 (B) include the results of assessments required
12 under Section 39.023; and

13 (2) may be based on the results of a special
14 ~~[accreditation]~~ investigation conducted under Section 39.003
15 ~~[39.057]~~.

16 SECTION 2.04. Sections 39.151(a), (b), and (e), Education
17 Code, are amended to read as follows:

18 (a) The commissioner by rule shall provide a process for a
19 school district or open-enrollment charter school to challenge an
20 agency decision made under this chapter relating to an academic or
21 financial accountability rating that affects the district or
22 school, including a determination of consecutive school years of
23 unacceptable performance ratings.

24 (b) The rules under Subsection (a) must provide for the
25 commissioner to appoint a committee to make recommendations to the
26 commissioner on a challenge made to an agency decision relating to
27 an academic performance rating or determination, including a

1 determination of consecutive school years of unacceptable
2 performance ratings, or financial accountability rating. The
3 commissioner may not appoint an agency employee as a member of the
4 committee.

5 (e) A school district or open-enrollment charter school may
6 not challenge an agency decision relating to an academic or
7 financial accountability rating under this chapter, including a
8 decision relating to a determination of consecutive school years of
9 unacceptable performance ratings, in another proceeding if the
10 district or school has had an opportunity to challenge the decision
11 under this section.

12 SECTION 2.05. Section 39A.003, Education Code, is amended
13 by adding Subsection (d) to read as follows:

14 (d) A conservator or management team may exercise the powers
15 and duties defined by the commissioner under Subsection (a) or
16 described by Subsection (c) regardless of whether the conservator
17 or management team was appointed to oversee the operations of a
18 school district in its entirety or the operations of a certain
19 campus within the district.

20 SECTION 2.06. Sections 39A.006(a) and (b), Education Code,
21 are amended to read as follows:

22 (a) This section applies:

23 (1) regardless of whether a school district has
24 satisfied the accreditation criteria; and

25 (2) to a conservator or management team appointed
26 under any provision of this title, regardless of the scope or any
27 changes to the scope of the conservator's or team's oversight.

1 (b) If for two consecutive school years, including the
2 current school year, a school district has had a conservator or
3 management team assigned to the district or a district campus for
4 any reason under this title, the commissioner may appoint a board of
5 managers to exercise the powers and duties of the board of trustees
6 of the district.

7 SECTION 2.07. Section 39A.102, Education Code, is amended
8 by amending Subsection (b) and adding Subsection (b-1) to read as
9 follows:

10 (b) Subject to Subsection (b-1), the [The] commissioner may
11 appoint a monitor, conservator, management team, or board of
12 managers to the school district to ensure and oversee
13 district-level support to low-performing campuses and the
14 implementation of the updated targeted improvement plan.

15 (b-1) The commissioner shall appoint a conservator to a
16 school district under Subsection (b) unless and until:

17 (1) each campus in the district for which a campus
18 turnaround plan has been ordered under Section 39A.101 receives an
19 acceptable performance rating for the school year; or

20 (2) the commissioner determines a conservator is not
21 necessary.

22 SECTION 2.08. The heading to Section 39A.110, Education
23 Code, is amended to read as follows:

24 Sec. 39A.110. MODIFICATION OF [~~CHANGE IN~~] CAMPUS TURNAROUND
25 PLAN [~~PERFORMANCE RATING~~].

26 SECTION 2.09. Section 39A.110, Education Code, is amended
27 by adding Subsection (c) to read as follows:

1 (c) The commissioner may authorize modification of an
2 approved campus turnaround plan if the commissioner determines that
3 due to a change in circumstances occurring after the plan's
4 approval under Section 39A.107, a modification of the plan is
5 necessary to achieve the plan's objectives.

6 SECTION 2.10. Section 39A.111, Education Code, is amended
7 to read as follows:

8 Sec. 39A.111. CONTINUED UNACCEPTABLE PERFORMANCE RATING.
9 If a campus is considered to have an unacceptable performance
10 rating for five [~~three~~] consecutive school years [~~after the campus~~
11 ~~is ordered to submit a campus turnaround plan under Section~~
12 ~~39A.101~~], the commissioner, subject to Section 39A.112, shall
13 order:

14 (1) appointment of a board of managers to govern the
15 school district as provided by Section 39A.202; or

16 (2) closure of the campus.

17 SECTION 2.11. Section 39A.201(a), Education Code, is
18 amended to read as follows:

19 (a) Notwithstanding Section 11.151(b) or 11.1511(a) or any
20 other provision of this code, a [A] board of managers may exercise
21 all of the powers and duties assigned to a board of trustees of a
22 school district by law, rule, or regulation.

23 SECTION 2.12. Section 39A.202(a), Education Code, is
24 amended to read as follows:

25 (a) Notwithstanding Section 11.151(b) or 11.1511(a) or any
26 other provision of this code, if [IF] the commissioner appoints a
27 board of managers to govern a school district:

1 (1) the powers of the board of trustees of the district
2 are suspended for the period of the appointment; and

3 (2) the commissioner shall appoint a district
4 superintendent.

5 SECTION 2.13. Section 39A.116, Education Code, is
6 transferred to Subchapter Z, Chapter 39A, Education Code,
7 redesignated as Section 39A.906, Education Code, and amended to
8 read as follows:

9 Sec. 39A.906 [39A.116]. COMMISSIONER AUTHORITY. A
10 decision by the commissioner under Chapter 39 or this chapter
11 [~~subchapter~~] is final and may not be appealed.

12 SECTION 2.14. Subchapter C, Chapter 39A, Education Code, is
13 amended by adding Section 39A.117 to read as follows:

14 Sec. 39A.117. INTERVENTION FOR CERTAIN DISTRICTS OR
15 CAMPUSES. (a) For purposes of this section:

16 (1) an acceptable performance rating includes any
17 performance rating considered acceptable under the law and rules in
18 effect at the time the performance rating was issued;

19 (2) an unacceptable performance rating includes any
20 performance rating considered unacceptable under the law and rules
21 in effect at the time the performance rating was issued; and

22 (3) a rating of "Not Rated" is not considered an
23 acceptable or unacceptable performance rating.

24 (b) As soon as practicable after the effective date of H.B.
25 3270, Acts of the 87th Legislature, Regular Session, 2021, or
26 similar legislation, the commissioner shall:

27 (1) determine the number of consecutive school years

1 of unacceptable performance ratings for each school district,
2 open-enrollment charter school, and district or school campus by
3 determining the number of unacceptable performance ratings
4 assigned to each school district, open-enrollment charter school,
5 and district or school campus since the most recent acceptable
6 performance rating was assigned to the district, school, or campus;
7 and

8 (2) order the appointment of a board of managers under
9 Section 39A.111 for each campus that is determined under
10 Subdivision (1) to have been assigned an unacceptable performance
11 rating for more than five school years.

12 (c) Exemptions from interventions authorized under Sections
13 11.174 and 28.020 and Section 5, Chapter 919 (H.B. 4205), Acts of
14 the 86th Legislature, Regular Session, 2019, apply to an
15 intervention ordered under this section and the commissioner shall
16 make necessary modifications to an intervention ordered under this
17 section in accordance with those provisions of law.

18 (d) This section may not be construed to:

19 (1) provide a school district or open-enrollment
20 charter school additional remedies or appellate or other review for
21 previous interventions, sanctions, or performance ratings ordered
22 or assigned; or

23 (2) prohibit the commissioner from taking any action
24 or ordering any intervention or sanction otherwise authorized by
25 law.

26 (e) This section expires September 1, 2027.

27 SECTION 2.15. If this Act takes effect later than August 15,

1 2021, the Texas Education Agency shall publish the consecutive
2 school years of unacceptable performance ratings as required by
3 Section 39.054(a-3), Education Code, as amended by this Act, for
4 each school district and campus as soon as practicable after the
5 effective date of this Act.

6 SECTION 2.16. (a) Sections 39.003 and 39.004, Education
7 Code, as redesignated and amended by this Act, apply to a special
8 investigation authorized or initiated before, on, or after the
9 effective date of this Act.

10 (b) Section 39A.006, Education Code, as amended by this Act,
11 applies to a conservator or management team assigned to a school
12 district before, on, or after the effective date of this Act.

13 ARTICLE 3. PUBLIC SCHOOL FISCAL MANAGEMENT

14 SECTION 3.01. Section 44.052(c), Education Code, is amended
15 to read as follows:

16 (c) A trustee of a school district who votes to approve any
17 expenditure of school funds in violation of a provision of this
18 code, for a purpose for which those funds may not be spent, or in
19 excess of the item or items appropriated in the adopted budget or a
20 supplementary or amended budget commits an offense. An offense
21 under this subsection is a Class C misdemeanor.

22 SECTION 3.02. Section 45.105, Education Code, is amended by
23 amending Subsection (c) and adding Subsection (c-1) to read as
24 follows:

25 (c) Local school funds from district taxes, tuition fees of
26 students not entitled to a free education, other local sources, and
27 state funds not designated for a specific purpose may be used for

1 the purposes listed for state and county available funds and for
2 purchasing appliances and supplies, paying insurance premiums,
3 paying janitors and other employees, buying school sites, buying,
4 building, repairing, and renting school buildings, including
5 acquiring school buildings and sites by leasing through annual
6 payments with an ultimate option to purchase, and, except as
7 provided by Subsection (c-1), for other purposes necessary in the
8 conduct of the public schools determined by the board of trustees.
9 The accounts and vouchers for county districts must be approved by
10 the county superintendent. If the state available school fund in
11 any municipality or district is sufficient to maintain the schools
12 in any year for at least eight months and leave a surplus, the
13 surplus may be spent for the purposes listed in this subsection.

14 (c-1) Funds described by Subsection (c) may not be used to
15 initiate or maintain any action or proceeding against the state or
16 an agency or officer of the state arising out of a decision or
17 determination that is final and unappealable under a provision of
18 this code.

19 SECTION 3.03. Section 48.201, Education Code, is amended to
20 read as follows:

21 Sec. 48.201. PURPOSE. The purpose of the tier two component
22 of the Foundation School Program is to provide each school district
23 with the opportunity to provide the basic program and to supplement
24 that program at a level of its own choice. An allotment under this
25 subchapter may be used for any legal purpose other than:

- 26 (1) capital outlay or debt service; or
27 (2) a purpose prohibited by Section 45.105(c-1) or

1 another provision of this code.

2 SECTION 3.04. Section 44.052(c), Education Code, as amended
3 by this Act, applies only to an offense committed on or after the
4 effective date of this Act. An offense committed before the
5 effective date of this Act is governed by the law in effect when the
6 offense was committed, and the former law is continued in effect for
7 that purpose. For purposes of this section, an offense was
8 committed before the effective date of this Act if any element of
9 the offense occurred before that date.

10 ARTICLE 4. CONFORMING AMENDMENTS

11 SECTION 4.01. Section 7.028(a), Education Code, is amended
12 to read as follows:

13 (a) Except as provided by Section 21.006(k), 22.093(1),
14 22.096, 28.006, 29.001(5), 29.010(a), 38.003, or 39.003 [~~39.057~~],
15 the agency may monitor compliance with requirements applicable to a
16 process or program provided by a school district, campus, program,
17 or school granted charters under Chapter 12, including the process
18 described by Subchapter F, Chapter 11, or a program described by
19 Subchapter B, C, D, E, F, H, or I, Chapter 29, or Subchapter A,
20 Chapter 37, only as necessary to ensure:

- 21 (1) compliance with federal law and regulations;
- 22 (2) financial accountability, including compliance
23 with grant requirements;
- 24 (3) data integrity for purposes of:
- 25 (A) the Public Education Information Management
26 System (PEIMS); and
- 27 (B) accountability under Chapters 39 and 39A; and

1 (4) qualification for funding under Chapter 48.

2 SECTION 4.02. Section 12.1162(a), Education Code, is
3 amended to read as follows:

4 (a) The commissioner shall take any of the actions described
5 by Subsection (b) or by Section 39A.001, 39A.002, 39A.004, 39A.005,
6 or 39A.007, to the extent the commissioner determines necessary, if
7 an open-enrollment charter school, as determined by a report issued
8 under Section 39.004(b) [~~39.058(b)~~]:

9 (1) commits a material violation of the school's
10 charter;

11 (2) fails to satisfy generally accepted accounting
12 standards of fiscal management; or

13 (3) fails to comply with this subchapter or another
14 applicable rule or law.

15 SECTION 4.03. Section 39.0302(a), Education Code, is
16 amended to read as follows:

17 (a) During an agency investigation or audit of a school
18 district under Section 39.0301(e) or (f), a special [~~an~~
19 ~~accreditation~~] investigation under Section 39.003(a)(8)
20 [~~39.057(a)(8)~~] or (10) [~~(14)~~], a compliance review under Section
21 21.006(k), 22.093(1), or 22.096, or an investigation by the State
22 Board for Educator Certification of an educator for an alleged
23 violation of an assessment instrument security procedure
24 established under Section 39.0301(a), the commissioner may issue a
25 subpoena to compel the attendance of a relevant witness or the
26 production, for inspection or copying, of relevant evidence that is
27 located in this state.

1 SECTION 4.04. Section 39.056(h), Education Code, is amended
2 to read as follows:

3 (h) The commissioner may at any time convert a monitoring
4 review to a special [~~accreditation~~] investigation under Section
5 39.003 [~~39.057~~], provided the commissioner promptly notifies the
6 school district of the conversion.

7 SECTION 4.05. Section 39A.001, Education Code, is amended
8 to read as follows:

9 Sec. 39A.001. GROUNDS FOR COMMISSIONER ACTION. The
10 commissioner shall take any of the actions authorized by this
11 subchapter to the extent the commissioner determines necessary if:

- 12 (1) a school district does not satisfy:
- 13 (A) the accreditation criteria under Section
 - 14 39.052;
 - 15 (B) the academic performance standards under
 - 16 Section 39.053 or 39.054; or
 - 17 (C) any financial accountability standard as
 - 18 determined by commissioner rule; or

19 (2) the commissioner considers the action to be
20 appropriate on the basis of a special [~~accreditation~~] investigation
21 under Section 39.003 [~~39.057~~].

22 ARTICLE 5. EFFECTIVE DATE

23 SECTION 5.01. This Act takes effect immediately if it
24 receives a vote of two-thirds of all the members elected to each
25 house, as provided by Section 39, Article III, Texas Constitution.
26 If this Act does not receive the vote necessary for immediate
27 effect, this Act takes effect September 1, 2021.