

1-1 By: Bettencourt S.B. No. 1365
 1-2 (In the Senate - Filed March 10, 2021; March 18, 2021, read
 1-3 first time and referred to Committee on Education; April 26, 2021,
 1-4 reported adversely, with favorable Committee Substitute by the
 1-5 following vote: Yeas 7, Nays 2, two present not voting;
 1-6 April 26, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio				X
1-10 Bettencourt	X			
1-11 Hall	X			
1-12 Hughes	X			
1-13 Menéndez		X		
1-14 Paxton	X			
1-15 Perry	X			
1-16 Powell		X		
1-17 Schwertner	X			
1-18 West				X

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1365 By: Bettencourt

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to public school organization, accountability, and fiscal
 1-24 management.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 ARTICLE 1. STATE AND LOCAL ORGANIZATION AND GOVERNANCE

1-27 SECTION 1.01. Section 7.055, Education Code, is amended by
 1-28 adding Subsection (d) to read as follows:

1-29 (d) Notwithstanding any other law, the commissioner's power
 1-30 to delegate ministerial and executive functions under Subsection
 1-31 (b)(5) is a valid delegation of authority.

1-32 SECTION 1.02. Section 11.151(b), Education Code, is amended
 1-33 to read as follows:

1-34 (b) Except as provided by Sections 39A.201 and 39A.202, the
 1-35 [The] trustees as a body corporate have the exclusive power and duty
 1-36 to govern and oversee the management of the public schools of the
 1-37 district. All powers and duties not specifically delegated by
 1-38 statute to the agency or to the State Board of Education are
 1-39 reserved for the trustees, and the agency may not substitute its
 1-40 judgment for the lawful exercise of those powers and duties by the
 1-41 trustees.

1-42 SECTION 1.03. Section 11.1511(a), Education Code, is
 1-43 amended to read as follows:

1-44 (a) In addition to powers and duties under Section 11.151 or
 1-45 other law, the board of trustees of an independent school district
 1-46 has the powers and duties provided by Subsection (b), except as
 1-47 otherwise provided by Sections 39A.201 and 39A.202.

1-48 ARTICLE 2. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY

1-49 SECTION 2.01. Chapter 5, Education Code, is amended by
 1-50 adding Section 5.003 to read as follows:

1-51 Sec. 5.003. FINAL AND UNAPPEALABLE. In this title, if an
 1-52 order, decision, or determination is described as final and
 1-53 unappealable, an interlocutory or intermediate order, decision, or
 1-54 determination made or reached before the final order, decision, or
 1-55 determination may be appealed only if specifically authorized by
 1-56 this code or a rule adopted under this code.

1-57 SECTION 2.02. Sections 39.057 and 39.058, Education Code,
 1-58 are transferred to Subchapter A, Chapter 39, Education Code,
 1-59 redesignated as Sections 39.003 and 39.004, Education Code, and
 1-60 amended to read as follows:

3-1 (C) to the agency, including a material
3-2 misrepresentation made in the course of a special investigation
3-3 under this section;
3-4 (11) [~~15~~] when a school district for any reason
3-5 fails to produce, at the request of the agency, evidence or an
3-6 investigation report, including an investigation report relating
3-7 to an educator who is under investigation by the State Board for
3-8 Educator Certification;
3-9 (12) regarding whether an improper use of public funds
3-10 has occurred; or
3-11 (13) [~~16~~] as the commissioner otherwise determines
3-12 necessary.
3-13 (b) If the agency's findings in an investigation under
3-14 Subsection (a)(6) indicate that the board of trustees has observed
3-15 a lawfully adopted policy that does not otherwise violate a law or
3-16 rule, the agency may not substitute its judgment for that of the
3-17 board.
3-18 (c) The commissioner may authorize special [~~accreditation~~]
3-19 investigations to be conducted in response to repeated complaints
3-20 submitted to the agency concerning imposition of excessive
3-21 paperwork requirements on classroom teachers.
3-22 (d) Based on the results of a special [~~accreditation~~]
3-23 investigation, the commissioner may:
3-24 (1) take any [appropriate] action under Chapter 39A,
3-25 regardless of any requirements applicable to the action that are
3-26 provided by that chapter;
3-27 (2) lower the school district's accreditation status
3-28 or a district's or campus's accountability rating; or
3-29 (3) take action under both Subdivisions (1) and (2).
3-30 (e) At any time before issuing a report with the agency's
3-31 final findings, the commissioner may defer taking an action under
3-32 Subsection (d) until:
3-33 (1) a person who is a third party, selected by the
3-34 commissioner, has reviewed programs or other subjects of an
3-35 investigation under this section and submitted a report identifying
3-36 problems and proposing solutions;
3-37 (2) a district completes a corrective action plan
3-38 developed by the commissioner; or
3-39 (3) the completion of actions under both Subdivisions
3-40 (1) and (2).
3-41 (f) Based on the results of an action taken under Subsection
3-42 (e), the commissioner may decline to take the deferred action under
3-43 Subsection (d).
3-44 (g) Section 39A.301 applies to an action taken under
3-45 Subsection (d)(1) in the same manner as that section applies to an
3-46 action taken under Chapter 39A [~~Regardless of whether the~~
3-47 ~~commissioner lowers the school district's accreditation status or a~~
3-48 ~~district's or campus's performance rating under Subsection (d), the~~
3-49 ~~commissioner may take action under Section 39A.002 or 39A.051 if~~
3-50 ~~the commissioner determines that the action is necessary to improve~~
3-51 ~~any area of a district's or campus's performance, including the~~
3-52 ~~district's financial accounting practices].~~
3-53 Sec. 39.004 [~~39.058~~]. CONDUCT OF SPECIAL [ACCREDITATION]
3-54 INVESTIGATIONS. (a) The agency shall adopt written procedures for
3-55 conducting special [~~accreditation~~] investigations [~~under this~~
3-56 ~~subchapter~~], including procedures that allow the agency to obtain
3-57 information from district employees in a manner that prevents a
3-58 district or campus from screening the information. The agency
3-59 shall make the procedures available on the agency Internet website.
3-60 Agency staff must be trained in the procedures and must follow the
3-61 procedures in conducting the special [~~accreditation~~]
3-62 investigation.
3-63 (a-1) If the agency determines that it is necessary to
3-64 protect the welfare of the witness, the agency may classify the
3-65 identity of a witness as confidential and not subject to disclosure
3-66 to the district or under Chapter 552, Government Code.
3-67 (b) After completing a special [~~accreditation~~]
3-68 investigation, the agency shall present preliminary findings to any
3-69 person or entity the agency finds has violated a law, rule, or

4-1 policy. Before issuing a report with its final findings, the agency
4-2 must provide a person or entity the agency finds has violated a law,
4-3 rule, or policy an opportunity for an informal review by the
4-4 commissioner or the commissioner's designee [~~a designated hearing~~
4-5 ~~examiner~~].

4-6 (c) An informal review under this section is not a contested
4-7 case for purposes of Chapter 2001, Government Code.

4-8 SECTION 2.03. Section 39.054, Education Code, is amended by
4-9 amending Subsections (a) and (b-1) and adding Subsections (a-4) and
4-10 (a-5) to read as follows:

4-11 (a) Except as provided by Subsection (a-4), the [~~The~~]
4-12 commissioner shall adopt rules to evaluate school district and
4-13 campus performance and assign each district and campus an overall
4-14 performance rating of A, B, C, D, or F. In addition to the overall
4-15 performance rating, the commissioner shall assign each district and
4-16 campus a separate domain performance rating of A, B, C, D, or F for
4-17 each domain under Section 39.053(c). An overall or domain
4-18 performance rating of A reflects exemplary performance. An overall
4-19 or domain performance rating of B reflects recognized performance.
4-20 An overall or domain performance rating of C reflects acceptable
4-21 performance. An overall or domain performance rating of D reflects
4-22 performance that needs improvement. An overall or domain
4-23 performance rating of F reflects unacceptable performance. A
4-24 district may not receive an overall or domain performance rating of
4-25 A if the district includes any campus with a corresponding overall
4-26 or domain performance rating of D or F. If a school district has
4-27 been approved under Section 39.0544 to assign campus performance
4-28 ratings and the commissioner has not assigned a campus an overall
4-29 performance rating of D or F, the commissioner shall assign the
4-30 campus an overall performance rating based on the school district
4-31 assigned performance rating under Section 39.0544. A reference in
4-32 law to an acceptable rating or acceptable performance includes an
4-33 overall or domain performance rating of A, B, C, or D or performance
4-34 that is exemplary, recognized, or acceptable performance or
4-35 performance that needs improvement.

4-36 (a-4) Notwithstanding any other law, the commissioner may
4-37 assign a school district or campus an overall performance rating of
4-38 "Not Rated" if the commissioner determines that the assignment of a
4-39 performance rating of A, B, C, D, or F would be inappropriate
4-40 because:

4-41 (1) the district or campus is located in an area that
4-42 is subject to a declaration of a state of disaster under Chapter
4-43 418, Government Code, and due to the disaster, performance
4-44 indicators for the district or school are difficult to measure or
4-45 evaluate and would not accurately reflect quality of learning and
4-46 achievement for the district or campus; or

4-47 (2) the district or campus has experienced breaches or
4-48 other failures in data integrity to the extent that accurate
4-49 analysis of data regarding performance indicators is not possible.

4-50 (a-5) Notwithstanding any other law, an overall performance
4-51 rating of "Not Rated" is not included in calculating consecutive
4-52 school years and is not considered a break in consecutive school
4-53 years for purposes of Chapter 39A.

4-54 (b-1) Consideration of the effectiveness of district
4-55 programs under Section 39.052(b)(2)(B) or (C):

4-56 (1) must:
4-57 (A) be based on data collected through the Public
4-58 Education Information Management System (PEIMS) for purposes of
4-59 accountability under this chapter; and

4-60 (B) include the results of assessments required
4-61 under Section 39.023; and

4-62 (2) may be based on the results of a special
4-63 [~~accreditation~~] investigation conducted under Section 39.003
4-64 [~~39.057~~].

4-65 SECTION 2.04. Section 39A.003, Education Code, is amended
4-66 by adding Subsection (d) to read as follows:

4-67 (d) A conservator or management team may exercise the powers
4-68 and duties defined by the commissioner under Subsection (a) or
4-69 described by Subsection (c) regardless of whether the conservator

5-1 or management team was appointed to oversee the operations of a
 5-2 school district in its entirety or the operations of a certain
 5-3 campus within the district.

5-4 SECTION 2.05. Sections 39A.006(a) and (b), Education Code,
 5-5 are amended to read as follows:

5-6 (a) This section applies:

5-7 (1) regardless of whether a school district has
 5-8 satisfied the accreditation criteria; and

5-9 (2) to a conservator or management team appointed
 5-10 under any provision of this title, regardless of the scope or any
 5-11 changes to the scope of the conservator's or team's oversight.

5-12 (b) If for two consecutive school years, including the
 5-13 current school year, a school district has had a conservator or
 5-14 management team assigned to the district or a district campus for
 5-15 any reason under this title, the commissioner may appoint a board of
 5-16 managers to exercise the powers and duties of the board of trustees
 5-17 of the district.

5-18 SECTION 2.06. Section 39A.102, Education Code, is amended
 5-19 by amending Subsection (b) and adding Subsection (b-1) to read as
 5-20 follows:

5-21 (b) Subject to Subsection (b-1), the [The] commissioner may
 5-22 appoint a monitor, conservator, management team, or board of
 5-23 managers to the school district to ensure and oversee
 5-24 district-level support to low-performing campuses and the
 5-25 implementation of the updated targeted improvement plan.

5-26 (b-1) The commissioner shall appoint a conservator to a
 5-27 school district under Subsection (b) unless and until:

5-28 (1) each campus in the district for which a campus
 5-29 turnaround plan has been ordered under Section 39A.101 receives an
 5-30 acceptable performance rating for the school year; or

5-31 (2) the commissioner determines a conservator is not
 5-32 necessary.

5-33 SECTION 2.07. The heading to Section 39A.110, Education
 5-34 Code, is amended to read as follows:

5-35 Sec. 39A.110. MODIFICATION OF [CHANGE IN] CAMPUS
 5-36 PLAN [PERFORMANCE RATING].

5-37 SECTION 2.08. Section 39A.110, Education Code, is amended
 5-38 by adding Subsection (c) to read as follows:

5-39 (c) The commissioner may authorize modification of an
 5-40 approved campus turnaround plan if the commissioner determines that
 5-41 due to a change in circumstances occurring after the plan's
 5-42 approval under Section 39A.107, a modification of the plan is
 5-43 necessary to achieve the plan's objectives.

5-44 SECTION 2.09. Section 39A.111, Education Code, is amended
 5-45 to read as follows:

5-46 Sec. 39A.111. CONTINUED UNACCEPTABLE PERFORMANCE RATING.
 5-47 If a campus is considered to have an unacceptable performance
 5-48 rating for five [three] consecutive school years [after the campus
 5-49 is ordered to submit a campus turnaround plan under Section
 5-50 39A.101], the commissioner, subject to Section 39A.112, shall
 5-51 order:

5-52 (1) appointment of a board of managers to govern the
 5-53 school district as provided by Section 39A.202; or

5-54 (2) closure of the campus.

5-55 SECTION 2.10. Subchapter C, Chapter 39A, Education Code, is
 5-56 amended by adding Section 39A.117 to read as follows:

5-57 Sec. 39A.117. APPOINTMENT OF CONSERVATOR AND BOARD OF
 5-58 MANAGERS FOR CERTAIN DISTRICTS OR SCHOOLS. (a) This section
 5-59 applies to a school district or open-enrollment charter school for
 5-60 which a board of managers has not assumed control of the district or
 5-61 school and includes a campus that:

5-62 (1) has not received an acceptable performance rating
 5-63 since the 2010-2011 school year;

5-64 (2) has received more than five unacceptable
 5-65 performance ratings since the 2010-2011 school year; and

5-66 (3) has not been closed by the commissioner.

5-67 (b) Notwithstanding any other law, the commissioner shall
 5-68 appoint:

5-69 (1) a conservator to oversee the operations of a

6-1 school district or open-enrollment charter school described by
6-2 Subsection (a); and
6-3 (2) a board of managers to exercise the powers and
6-4 duties of the board of trustees or governing body of a district or
6-5 school described by Subsection (a).
6-6 (c) On the effective date of the appointment made under
6-7 Subsection (b)(1), the board of trustees or governing body of a
6-8 school district or open-enrollment charter school described by
6-9 Subsection (a) may no longer exercise the powers and duties of the
6-10 board or body under Chapter 11 or 12.
6-11 (d) Once appointed under Subsection (b), the conservator
6-12 and board of managers shall be subject to the provisions of this
6-13 chapter.
6-14 (e) This section expires September 1, 2024.
6-15 SECTION 2.11. Section 39A.201(a), Education Code, is
6-16 amended to read as follows:
6-17 (a) Notwithstanding Section 11.151(b) or 11.1511(a) or any
6-18 other provision of this code, a [A] board of managers may exercise
6-19 all of the powers and duties assigned to a board of trustees of a
6-20 school district by law, rule, or regulation.
6-21 SECTION 2.12. Section 39A.202(a), Education Code, is
6-22 amended to read as follows:
6-23 (a) Notwithstanding Section 11.151(b) or 11.1511(a) or any
6-24 other provision of this code, if [if] the commissioner appoints a
6-25 board of managers to govern a school district:
6-26 (1) the powers of the board of trustees of the district
6-27 are suspended for the period of the appointment; and
6-28 (2) the commissioner shall appoint a district
6-29 superintendent.
6-30 SECTION 2.13. Section 39A.301, Education Code, is amended
6-31 to read as follows:
6-32 Sec. 39A.301. REVIEW OF SANCTIONS BY STATE OFFICE OF
6-33 ADMINISTRATIVE HEARINGS. (a) A school district or open-enrollment
6-34 charter school must appeal under this section if the district or
6-35 school [that] intends to challenge a decision by the commissioner
6-36 under Section 39.003 or this chapter to:
6-37 (1) close the district or a district campus or the
6-38 charter school;
6-39 (2) [or to] pursue alternative management of a
6-40 district campus or the charter school; or
6-41 (3) appoint a board of managers to the district or
6-42 school under Section 39A.202 [must appeal the decision under this
6-43 section].
6-44 (b) A challenge under this section to a decision by the
6-45 commissioner described by Subsection (a) is subject to review by
6-46 the State Office of Administrative Hearings. Notwithstanding
6-47 [under this section is under the substantial evidence rule as
6-48 provided by Subchapter G,] Chapter 2001, Government Code:
6-49 (1) the [The] commissioner shall adopt procedural
6-50 rules for a challenge under this section;
6-51 (2) [-
6-52 [(c) Notwithstanding other law:
6-53 [-(1)] the State Office of Administrative Hearings shall
6-54 conduct an expedited review of a challenge under this section;
6-55 (3) the administrative law judge shall uphold a
6-56 decision by the commissioner described by Subsection (a) unless the
6-57 judge finds the decision is arbitrary and capricious or clearly
6-58 erroneous;
6-59 (4) in reviewing any discretionary decisions made by
6-60 the commissioner, the administrative law judge may not substitute
6-61 the judge's judgment for that of the commissioner;
6-62 (5) [-(2)] the administrative law judge shall issue a
6-63 final order not later than the 30th day after the date on which the
6-64 hearing is finally closed;
6-65 (6) [-(3)] the decision of the administrative law judge
6-66 is final and may not be appealed; and
6-67 (7) [-(4)] the decision of the administrative law judge
6-68 may set an effective date for an action under this section.
6-69 SECTION 2.14. Section 39A.116, Education Code, is

7-1 transferred to Subchapter Z, Chapter 39A, Education Code,
7-2 redesignated as Section 39A.906, Education Code, and amended to
7-3 read as follows:

7-4 Sec. 39A.906 [~~39A.116~~]. COMMISSIONER AUTHORITY. A
7-5 decision by the commissioner under Chapter 39 or this chapter
7-6 [~~subchapter~~] is final and may not be appealed, except as provided by
7-7 Section 39A.301.

7-8 SECTION 2.15. (a) Sections 39.003 and 39.004, Education
7-9 Code, as redesignated and amended by this Act, apply to a special
7-10 investigation authorized or initiated before, on, or after the
7-11 effective date of this Act.

7-12 (b) Section 39.054, Education Code, as amended by this Act,
7-13 applies to an overall performance rating of "Not Rated" assigned
7-14 before, on, or after the effective date of this Act.

7-15 (c) Section 39A.006, Education Code, as amended by this Act,
7-16 applies to a conservator or management team assigned to a school
7-17 district before, on, or after the effective date of this Act.

7-18 (d) Section 39A.111, Education Code, as amended by this Act,
7-19 applies to a school campus that has been assigned an unacceptable
7-20 performance rating before, on, or after the effective date of this
7-21 Act.

7-22 (e) Section 39A.906, Education Code, as redesignated and
7-23 amended by this Act, applies to a decision made by the commissioner
7-24 of education before, on, or after the effective date of this Act.

7-25 ARTICLE 3. PUBLIC SCHOOL FISCAL MANAGEMENT

7-26 SECTION 3.01. Section 44.052(c), Education Code, is amended
7-27 to read as follows:

7-28 (c) A trustee of a school district who votes to approve any
7-29 expenditure of school funds in violation of a provision of this
7-30 code, for a purpose for which those funds may not be spent, or in
7-31 excess of the item or items appropriated in the adopted budget or a
7-32 supplementary or amended budget commits an offense. An offense
7-33 under this subsection is a Class C misdemeanor.

7-34 SECTION 3.02. Section 45.105, Education Code, is amended by
7-35 amending Subsection (c) and adding Subsection (c-1) to read as
7-36 follows:

7-37 (c) Local school funds from district taxes, tuition fees of
7-38 students not entitled to a free education, other local sources, and
7-39 state funds not designated for a specific purpose may be used for
7-40 the purposes listed for state and county available funds and for
7-41 purchasing appliances and supplies, paying insurance premiums,
7-42 paying janitors and other employees, buying school sites, buying,
7-43 building, repairing, and renting school buildings, including
7-44 acquiring school buildings and sites by leasing through annual
7-45 payments with an ultimate option to purchase, and, except as
7-46 provided by Subsection (c-1), for other purposes necessary in the
7-47 conduct of the public schools determined by the board of trustees.
7-48 The accounts and vouchers for county districts must be approved by
7-49 the county superintendent. If the state available school fund in
7-50 any municipality or district is sufficient to maintain the schools
7-51 in any year for at least eight months and leave a surplus, the
7-52 surplus may be spent for the purposes listed in this subsection.

7-53 (c-1) Funds described by Subsection (c) may not be used to
7-54 initiate or maintain any action or proceeding against the state or
7-55 an agency or officer of the state arising out of a decision, order,
7-56 or determination that is final and unappealable under a provision
7-57 of this code, except that funds may be used for an action or
7-58 proceeding that is specifically authorized by a provision of this
7-59 code or a rule adopted under this code and that results in a final
7-60 and unappealable decision, order, or determination.

7-61 SECTION 3.03. Section 48.201, Education Code, is amended to
7-62 read as follows:

7-63 Sec. 48.201. PURPOSE. The purpose of the tier two component
7-64 of the Foundation School Program is to provide each school district
7-65 with the opportunity to provide the basic program and to supplement
7-66 that program at a level of its own choice. An allotment under this
7-67 subchapter may be used for any legal purpose other than:

- 7-68 (1) capital outlay or debt service; or
- 7-69 (2) a purpose prohibited by Section 45.105(c-1) or

8-1 another provision of this code.

8-2 SECTION 3.04. Section 39A.203, Education Code, is repealed.

8-3 SECTION 3.05. Section 44.052(c), Education Code, as amended
8-4 by this Act, applies only to an offense committed on or after the
8-5 effective date of this Act. An offense committed before the
8-6 effective date of this Act is governed by the law in effect when the
8-7 offense was committed, and the former law is continued in effect for
8-8 that purpose. For purposes of this section, an offense was
8-9 committed before the effective date of this Act if any element of
8-10 the offense occurred before that date.

8-11 ARTICLE 4. CONFORMING AMENDMENTS

8-12 SECTION 4.01. Section 7.028(a), Education Code, is amended
8-13 to read as follows:

8-14 (a) Except as provided by Section 21.006(k), 22.093(1),
8-15 22.096, 28.006, 29.001(5), 29.010(a), 38.003, or 39.003 [~~39.057~~],
8-16 the agency may monitor compliance with requirements applicable to a
8-17 process or program provided by a school district, campus, program,
8-18 or school granted charters under Chapter 12, including the process
8-19 described by Subchapter F, Chapter 11, or a program described by
8-20 Subchapter B, C, D, E, F, H, or I, Chapter 29, or Subchapter A,
8-21 Chapter 37, only as necessary to ensure:

8-22 (1) compliance with federal law and regulations;

8-23 (2) financial accountability, including compliance
8-24 with grant requirements;

8-25 (3) data integrity for purposes of:

8-26 (A) the Public Education Information Management
8-27 System (PEIMS); and

8-28 (B) accountability under Chapters 39 and 39A; and

8-29 (4) qualification for funding under Chapter 48.

8-30 SECTION 4.02. Section 12.1162(a), Education Code, is
8-31 amended to read as follows:

8-32 (a) The commissioner shall take any of the actions described
8-33 by Subsection (b) or by Section 39A.001, 39A.002, 39A.004, 39A.005,
8-34 or 39A.007, to the extent the commissioner determines necessary, if
8-35 an open-enrollment charter school, as determined by a report issued
8-36 under Section 39.004(b) [~~39.058(b)~~]:

8-37 (1) commits a material violation of the school's
8-38 charter;

8-39 (2) fails to satisfy generally accepted accounting
8-40 standards of fiscal management; or

8-41 (3) fails to comply with this subchapter or another
8-42 applicable rule or law.

8-43 SECTION 4.03. Section 39.0302(a), Education Code, is
8-44 amended to read as follows:

8-45 (a) During an agency investigation or audit of a school
8-46 district under Section 39.0301(e) or (f), a special [~~an~~
8-47 ~~accreditation~~] investigation under Section 39.003(a)(8)
8-48 [~~39.057(a)(8)~~] or (10) [~~(14)~~], a compliance review under Section
8-49 21.006(k), 22.093(1), or 22.096, or an investigation by the State
8-50 Board for Educator Certification of an educator for an alleged
8-51 violation of an assessment instrument security procedure
8-52 established under Section 39.0301(a), the commissioner may issue a
8-53 subpoena to compel the attendance of a relevant witness or the
8-54 production, for inspection or copying, of relevant evidence that is
8-55 located in this state.

8-56 SECTION 4.04. Section 39.056(h), Education Code, is amended
8-57 to read as follows:

8-58 (h) The commissioner may at any time convert a monitoring
8-59 review to a special [~~accreditation~~] investigation under Section
8-60 39.003 [~~39.057~~], provided the commissioner promptly notifies the
8-61 school district of the conversion.

8-62 SECTION 4.05. Section 39A.001, Education Code, is amended
8-63 to read as follows:

8-64 Sec. 39A.001. GROUNDS FOR COMMISSIONER ACTION. The
8-65 commissioner shall take any of the actions authorized by this
8-66 subchapter to the extent the commissioner determines necessary if:

8-67 (1) a school district does not satisfy:

8-68 (A) the accreditation criteria under Section
8-69 39.052;

9-1 (B) the academic performance standards under
9-2 Section 39.053 or 39.054; or
9-3 (C) any financial accountability standard as
9-4 determined by commissioner rule; or

9-5 (2) the commissioner considers the action to be
9-6 appropriate on the basis of a special [~~accreditation~~] investigation
9-7 under Section 39.003 [~~39.057~~].

9-8 SECTION 4.06. Section 39A.256(a), Education Code, is
9-9 amended to read as follows:

9-10 (a) A board of managers appointed for an open-enrollment
9-11 charter school or a campus of an open-enrollment charter school
9-12 under this chapter or Chapter 12 has the powers and duties
9-13 prescribed by Section 39A.201(b), if applicable, and Sections
9-14 39A.201(a), 39A.202, [~~39A.203~~] and 39A.206(b).

9-15 ARTICLE 5. EFFECTIVE DATE

9-16 SECTION 5.01. This Act takes effect immediately if it
9-17 receives a vote of two-thirds of all the members elected to each
9-18 house, as provided by Section 39, Article III, Texas Constitution.
9-19 If this Act does not receive the vote necessary for immediate
9-20 effect, this Act takes effect September 1, 2021.

9-21 * * * * *