

By: Bettencourt, et al.

S.B. No. 1962

A BILL TO BE ENTITLED

AN ACT

relating to public school accountability and actions and other proceedings challenging the operations of the public school system.

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

SECTION 1. Section 7.057(d), Education Code, is amended to read as follows:

(d) A person aggrieved by an action of the agency or decision of the commissioner under this section may appeal to a district court in Travis County. An appeal must be made by serving the commissioner with citation issued and served in the manner provided by law for civil suits. The petition must state the action or decision from which the appeal is taken. At trial, the court shall determine all issues of law and fact, except as provided by Section 33.081(g).

SECTION 2. Section 11.182(b), Education Code, is amended to read as follows:

(b) A board of trustees may determine whether to use the evaluation tool, except as required by Section 39A.002 [~~39.102(a)~~].

SECTION 3. Section 39.023(a-11), Education Code, is amended to read as follows:

(a-11) Before an assessment instrument adopted or developed under Subsection (a) may be administered under that subsection, the assessment instrument must, on the basis of empirical evidence, be determined to be valid and reliable by the advisory committees

1 established under Section 39.02302 or an entity that is, as  
2 determined by the commissioner, independent of the agency and of  
3 any other entity that developed the assessment instrument.

4 SECTION 4. Section 39.054(b-1), Education Code, is  
5 transferred to Section 39.052, Education Code, redesignated as  
6 Section 39.052(b-1), Education Code, and amended to read as  
7 follows:

8 (b-1) Consideration of the effectiveness of district  
9 programs under Subsection (b)(2)(B) [~~Section 39.052(b)(2)(B)~~] or  
10 (C):

11 (1) must:

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

15 (B) include the results of assessments required  
16 under Section 39.023; and

17 (2) may be based on the results of a special  
18 investigation conducted under Section 39.003.

19 SECTION 5. Section 39.053, Education Code, is amended by  
20 amending Subsections (a), (c), and (f) and adding Subsections  
21 (c-4), (f-1), (f-2), (f-3), and (f-4) to read as follows:

22 (a) The commissioner shall adopt a set of indicators of the  
23 quality of learning and achievement, including the indicators under  
24 Subsection (c). The commissioner periodically shall review the  
25 indicators for the consideration of appropriate revisions and may,  
26 if the commissioner determines an indicator otherwise required  
27 under this subchapter is not valid or reliable, exclude the

1 indicator from the set of indicators adopted under this section.

2 (c) School districts and campuses must be evaluated based on  
3 three domains of indicators of achievement adopted under this  
4 section that include:

5 (1) in the student achievement domain, indicators of  
6 student achievement that must include:

7 (A) for evaluating the performance of districts  
8 and campuses generally:

9 (i) an indicator that accounts for the  
10 results of assessment instruments required under Sections  
11 39.023(a), (c), and (1), as applicable for the district and campus,  
12 including the results of assessment instruments required for  
13 graduation retaken by a student, aggregated across grade levels by  
14 subject area, including:

15 (a) for the performance standard  
16 determined by the commissioner under Section 39.0241(a), the  
17 percentage of students who performed satisfactorily on the  
18 assessment instruments, aggregated across grade levels by subject  
19 area; and

20 (b) for the college readiness  
21 performance standard as determined under Section 39.0241, the  
22 percentage of students who performed satisfactorily on the  
23 assessment instruments, aggregated across grade levels by subject  
24 area; and

25 (ii) an indicator that accounts for the  
26 results of assessment instruments required under Section  
27 39.023(b), as applicable for the district and campus, including the

percentage of students who performed satisfactorily on the assessment instruments, as determined by the performance standard adopted by the agency, aggregated across grade levels by subject area; and

(B) for evaluating the performance of high school campuses and districts that include high school campuses, indicators that account for:

(i) students who satisfy the Texas Success Initiative (TSI) college readiness benchmarks prescribed by the Texas Higher Education Coordinating Board under Section 51.334 on an assessment instrument in reading or mathematics designated by the coordinating board under that section;

(ii) students who satisfy relevant performance standards on advanced placement tests or similar assessments;

(iii) students who earn dual course credits in the dual credit courses;

(iv) students who demonstrate military readiness:

(a) through verified enlistment  
[~~enlist~~] in the armed forces of the United States or the Texas National Guard; or

(b) by achieving a passing score set by the commissioner on the Armed Services Vocational Aptitude Battery Test and successfully completing a Junior Reserve Officer Training Corps program;

(v) students who earn industry

1   certifications;

2                   (vi)   students admitted into postsecondary  
3   industry certification programs that require as a prerequisite for  
4   entrance successful performance at the secondary level;

5                   (vii)   students whose successful completion  
6   of a course or courses under Section 28.014 indicates the student's  
7   preparation to enroll and succeed, without remediation, in an  
8   entry-level general education course for a baccalaureate degree or  
9   associate degree;

10                  (viii)   students who successfully met  
11   standards on a composite of indicators that through research  
12   indicates the student's preparation to enroll and succeed, without  
13   remediation, in an entry-level general education course for a  
14   baccalaureate degree or associate degree;

15                  (ix)   high school graduation rates, computed  
16   in accordance with standards and definitions adopted in compliance  
17   with the Every Student Succeeds Act (20 U.S.C. Section 6301 et seq.)  
18   subject to the exclusions provided by Subsections (g), (g-1),  
19   (g-2), (g-3), and (g-4);

20                  (x)   students who successfully completed an  
21   OnRamps dual enrollment course;

22                  (xi)   students who successfully completed a  
23   practicum or internship approved by the State Board of Education;

24                  (xii)   students who are awarded an associate  
25   degree; and

26                  (xiii)   students who successfully completed  
27   a program of study in career and technical education;

(2) in the school progress domain, indicators for effectiveness in promoting student learning, which must include:

(A) for assessment instruments, including assessment instruments under Subdivisions (1)(A)(i) and (ii), the percentage of students who met the standard for improvement, as determined by the commissioner; and

(B) for evaluating relative performance, the performance of districts and campuses compared to similar districts or campuses; and

(3) in the closing the gaps domain, the use of disaggregated data to demonstrate the differentials among students from different racial and ethnic groups, socioeconomic backgrounds, and other factors, including:

(A) students formerly receiving special education services;

(B) students continuously enrolled; and

(C) students who are mobile.

(c-4) The agency shall study the college, career, and military readiness indicators adopted under Subsection (c) to determine the correlation of each indicator with postsecondary success, including the correlation of industry certifications with wages and available jobs. The value assigned to each indicator must be:

(1) based on the strength of the indicator's correlation with successful outcomes; and

(2) updated in accordance with Subsection (f-1).

(f) Annually, the commissioner shall define and may modify

1 the state standards [~~standard for the current school year~~] for each  
 2 [~~achievement~~] indicator adopted under this subchapter in  
 3 [~~section. In~~] consultation with educators, parents, and business  
 4 and industry representatives, as necessary. The [~~, the~~]  
 5 commissioner shall increase the rigor by which the commissioner  
 6 determines the overall performance ratings under Section 39.054(a)  
 7 [~~establish and modify standards~~] to continuously improve student  
 8 performance to, not later than the 15th year after the date the  
 9 commissioner modifies the performance standards under Subsection  
 10 (f-1), achieve the goals of:

11 (1) eliminating achievement gaps based on race,  
 12 ethnicity, and socioeconomic status; and

13 (2) ensuring [~~to ensure~~] this state ranks nationally  
 14 [~~is a national leader~~] in the top five states in preparing students  
 15 for postsecondary success and on the National Assessment of  
 16 Educational Progress or its successor assessment.

17 (f-1) Beginning with the indicators adopted for the  
 18 2027-2028 school year and as required to meet the goals under  
 19 Subsection (f), the commissioner shall increase the scores needed  
 20 to achieve performance standards on indicators adopted under this  
 21 subchapter only every fifth school year unless an indicator adopted  
 22 under Subsection (c) requires adjustment before that school year to  
 23 ensure consistency of performance standards.

24 (f-2) To the extent practicable, for each of the two school  
 25 years preceding a school year the commissioner increases a score  
 26 under Subsection (f-1), the commissioner shall report, in a manner  
 27 that can be reviewed by school administrators, the overall

1 performance of school districts and campuses under that increased  
2 score.

3 (f-3) In reporting the performance of school districts and  
4 campuses on indicators adopted under this subchapter for a school  
5 year in which the score needed to achieve performance standards on  
6 one or more of those indicators was increased under Subsection  
7 (f-1), the commissioner shall include in the report an  
8 informational report on the performance of districts and campuses  
9 during the preceding school year under the increased score.

10 (f-4) Notwithstanding Subsection (f), the commissioner may  
11 define state standards for an indicator adopted under this  
12 subchapter for multiple school years provided that the commissioner  
13 annually affirms that those standards are applicable to the current  
14 school year. The commissioner is not required to adopt the  
15 affirmation described by this subsection by rule.

16 SECTION 6. Subchapter C, Chapter 39, Education Code, is  
17 amended by adding Section 39.0531 to read as follows:

18 Sec. 39.0531. INDUSTRY CERTIFICATION LIST. (a) The agency  
19 shall maintain a list of industry certifications that are eligible  
20 for purposes of Section 39.053(c)(1)(B)(v). In developing the  
21 list, the agency shall consider the inventory of  
22 industry-recognized certifications developed under Section  
23 312.003, Labor Code. The certifications must:

24 (1) be aligned to a program of study that, according to  
25 labor market data, prepares students for high-wage, high-skill,  
26 in-demand occupations;

27 (2) allow students to demonstrate mastery of the



skills required for occupations within an approved program of study; and

(3) be obtained through an assessment of the knowledge and skills provided by or determined by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies.

(b) The agency shall review the eligibility of industry certifications under Subsection (a), including whether the programs of study for those certifications still meet the requirements under that subsection:

(1) in consultation with the advisory council established under Chapter 312, Labor Code; and

(2) to the extent practicable, concurrently with the modification of performance standards under Section 39.053(f-1).

(c) If, after reviewing an industry certification under Subsection (b), the agency determines the certification is no longer eligible for purposes of Section 39.053(c)(1)(B)(v) and should be removed from the list maintained under Subsection (a), the agency shall, to the extent practicable, post on the agency's Internet website information regarding the removal of the certification not later than two years before the date the agency intends to remove the certification from the list.

(d) During the three years following an agency's determination under Subsection (c) that an industry certification is no longer eligible for purposes of Section 39.053(c)(1)(B)(v), a school district may receive the benefit of achievement indicators based on that industry certification for purposes of Section

1 39.053(c) only for a cohort of students who:

2 (1) were participating in the program of study aligned  
3 with that certification during the school year the agency  
4 determines the certification is no longer eligible; and

5 (2) earn the certification within the three-year  
6 period.

7 SECTION 7. Section 39.054, Education Code, is amended by  
8 amending Subsections (a), (a-3), (a-4), (a-5), and (b) and adding  
9 Subsections (a-6), (c), and (d) to read as follows:

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

1 commissioner has not assigned a campus an overall performance  
2 rating of D or F, the commissioner shall assign the campus an  
3 overall performance rating based on the school district assigned  
4 performance rating under Section 39.0544.

5 (a-3) Except as provided by Subsection (c), not ~~[Not]~~ later  
6 than August 15 of each year, the following information shall be made  
7 publicly available as provided by rules adopted under this  
8 section:

9 (1) the performance ratings for each school district  
10 and campus; and

11 (2) if applicable, the number of consecutive school  
12 years of unacceptable performance ratings for each district and  
13 campus.

14 (a-4) Notwithstanding any other law and except as provided  
15 by Subsection (a-6), the commissioner may assign a school district  
16 or campus an overall performance rating of "Not Rated" if the  
17 commissioner determines that the assignment of a performance rating  
18 of A, B, C, D, or F would be inappropriate because:

19 (1) the district or campus is located in an area that  
20 is subject to a declaration of a state of disaster under Chapter  
21 418, Government Code, and due to the disaster, performance  
22 indicators for the district or campus are difficult to measure or  
23 evaluate and would not accurately reflect quality of learning and  
24 achievement for the district or campus;

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

1           (3) the number of students enrolled in the district or  
2 campus is insufficient to accurately evaluate the performance of  
3 the district or campus; or

4           (4) for other reasons outside the control of the  
5 district or campus, the performance indicators would not accurately  
6 reflect quality of learning and achievement for the district or  
7 campus.

8           (a-5) Notwithstanding any other law, an overall performance  
9 rating of "Not Rated" is not included in calculating consecutive  
10 school years of unacceptable performance ratings and is not  
11 considered a break in consecutive school years of unacceptable  
12 performance ratings for purposes of any provision of this code. Any  
13 interventions or sanctions to which a school district or campus is  
14 subject under Chapter 39A shall continue during a period in which  
15 the district or campus is assigned an overall performance rating of  
16 "Not Rated."

17           (a-6) The commissioner may not assign an overall  
18 performance rating of "Not Rated" to all school districts or all  
19 campuses on a statewide basis.

20           (b) For purposes of assigning school districts and campuses  
21 an overall and a domain performance rating under Subsection (a),  
22 the commissioner shall, to the extent practicable, ensure that the  
23 method used to evaluate performance is implemented in a manner that  
24 provides the mathematical possibility that all districts and  
25 campuses receive an A rating.

26           (c) The commissioner shall make the information under  
27 Subsection (a-3) available as soon as reasonably possible in years

1 in which the standards are modified or recalibrated or in which a  
2 new assessment instrument is offered.

3 (d) Failure to assign a performance rating to a school  
4 district or campus before the deadline provided by Subsection (a-3)  
5 does not invalidate the performance rating assigned to the district  
6 or campus or any resulting intervention or sanction imposed on the  
7 district or campus.

8 SECTION 8. Section 39.0541, Education Code, is amended to  
9 read as follows:

10 Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS. The  
11 commissioner may adopt indicators and standards under this  
12 subchapter at any time [~~during a school year~~] before issuing the  
13 evaluation of a school district or campus.

14 SECTION 9. Section 39.0542, Education Code, is amended by  
15 amending Subsection (a) and adding Subsection (d) to read as  
16 follows:

17 (a) The [~~Each school year, the~~] commissioner shall provide  
18 each school district a document in a simple, accessible format that  
19 explains the accountability performance measures, methods, and  
20 procedures that will be applied [~~for that school year~~] in assigning  
21 each school district and campus a performance rating under Section  
22 39.054.

23 (d) Failure to provide the document described by Subsection  
24 (a) does not prevent the assignment of performance ratings under  
25 Section 39.054 and may not be the basis of a challenge to a  
26 performance rating assigned under that section.

27 SECTION 10. Section 39.151(e), Education Code, is amended

to read as follows:

(e) A school district or open-enrollment charter school may not challenge on any basis, including a lack of commissioner or agency authority, an agency decision relating to an academic or financial accountability rating under this chapter, including a decision relating to a determination of consecutive school years of unacceptable performance ratings, in another proceeding unless ~~[if]~~ the district or school has exhausted the district's or school's remedies ~~[had an opportunity to challenge the decision]~~ under this section.

SECTION 11. Section 39.201(a), Education Code, is amended to read as follows:

(a) The ~~[Not later than August 8 of each year, the]~~ commissioner shall award distinction designations for outstanding performance as provided by this subchapter concurrently with the assignment of performance ratings under Section 39.054. A distinction designation awarded to a district or campus under this subchapter shall be referenced directly in connection with the performance rating assigned to the district or campus and made publicly available together with the performance ratings as provided by rules adopted under Section 39.054 ~~[39.054(a)]~~.

SECTION 12. Subchapter H, Chapter 39, Education Code, is amended by adding Section 39.231 to read as follows:

Sec. 39.231. LOCAL ACCOUNTABILITY GRANT PROGRAM. (a) From money appropriated or otherwise available for the purpose, the agency shall establish a grant program with capacity to assist at least one school district per education service center region in

1 developing a local accountability system that complies with the  
2 requirements of Section 39.0544.

3 (b) The commissioner shall adopt rules to implement this  
4 section.

5 SECTION 13. Section 39A.001, Education Code, is amended to  
6 read as follows:

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

10 (1) a school district does not satisfy:

11 (A) the accreditation criteria under Section  
12 39.052;

13 (B) the academic performance standards under  
14 Section 39.053 or 39.054; or

15 (C) any financial accountability standard as  
16 determined by commissioner rule; ~~or~~

17 (2) the commissioner considers the action to be  
18 appropriate on the basis of a special investigation under Section  
19 39.003; or

20 (3) a school district initiates or maintains an action  
21 or proceeding against the state or an agency or officer of the  
22 state.

23 SECTION 14. Subchapter A, Chapter 39A, Education Code, is  
24 amended by adding Section 39A.008 to read as follows:

25 Sec. 39A.008. INTERVENTION RELATED TO SCHOOL DISTRICT OR  
26 OPEN-ENROLLMENT CHARTER SCHOOL ACTION OR PROCEEDING AGAINST STATE.

27 (a) This section applies to a school district or open-enrollment

charter school subject to commissioner action under Section 39A.001(3).

(b) The commissioner shall appoint a conservator to a school district or open-enrollment charter school to which this section applies.

(c) The conservator appointed under Subsection (b) shall require the school district or open-enrollment charter school to demonstrate, by a deadline established by the conservator, that the district or school is in compliance with Sections 45.105(c-1) and 45.1051. If the conservator determines that the district or school is not in compliance with those sections, the conservator shall order the district or school to, as applicable:

(1) withdraw from the action or proceeding; or

(2) take the necessary actions to come into compliance with Section 45.1051.

(d) If a school district or open-enrollment charter school fails to comply with an order by the conservator by the deadline established by the conservator, the commissioner may:

(1) for a school district, appoint a board of managers to oversee the operations of the district; or

(2) for an open-enrollment charter school, order reconstitution of the school's governing board.

(e) An action taken or decision made by the commissioner or a conservator under this section is final and not subject to appeal under Section 7.057, Chapter 39, or this chapter.

SECTION 15. Subchapter 2, Chapter 39A, Education Code, is amended by adding Sections 39A.908 and 39A.909 to read as follows:



1       Sec. 39A.908. INTERVENTIONS AND SANCTIONS WHILE ASSIGNMENT  
2 OF PERFORMANCE RATINGS ENJOINED. (a) Notwithstanding any other  
3 law, during a period in which the agency is enjoined from assigning  
4 performance ratings to a school district, open-enrollment charter  
5 school, or district or school campus, any previously imposed  
6 interventions or sanctions to which the district, school, or campus  
7 is subject shall continue throughout that period.

8       (b) As soon as practicable after the dissolution of an  
9 injunction described by Subsection (a), the agency shall:

10           (1) assign performance ratings for each school year  
11 and to each school district, open-enrollment charter school, and  
12 district or school campus for which the agency was enjoined from  
13 assigning performance ratings; and

14           (2) as applicable, impose any appropriate  
15 interventions or sanctions authorized under this chapter based on  
16 the ratings assigned under Subdivision (1).

17       (c) Notwithstanding any other law, if the agency is  
18 permanently enjoined from assigning performance ratings to a school  
19 district, open-enrollment charter school, or district or school  
20 campus for a school year, the agency shall consider the district,  
21 school, or campus to have received a "Not Rated" rating for that  
22 school year for purposes of:

23           (1) calculating consecutive years of performance; and

24           (2) determining whether to impose an intervention or  
25 sanction authorized under this chapter.

26       (d) To ensure the expeditious implementation of  
27 interventions or sanctions under this chapter, the agency may

1 modify or waive a deadline or time frame required by law or agency  
2 rule applicable to the assignment of performance ratings for a  
3 school year for which the agency was enjoined from assigning  
4 performance ratings.

5 (e) Except as provided by Subsection (f) and Section  
6 39A.909, the agency shall impose an intervention or sanction  
7 described by Subsection (b)(2) or (c)(2) as required by law unless  
8 the intervention or sanction, as determined by the commissioner:

9 (1) has been superseded by a subsequent intervention  
10 or sanction; or

11 (2) may be removed based on the subsequent performance  
12 of a school district, open-enrollment charter school, or district  
13 or school campus.

14 (f) The commissioner shall impose an intervention described  
15 by Section 12.115(c), 39A.004, or 39A.111, as applicable, on a  
16 school district, open-enrollment charter school, or district or  
17 school campus if the district, school, or campus would have been  
18 subject to commissioner action under the applicable section based  
19 on the performance rating of the district, school, or campus for a  
20 school year for which the agency was enjoined from assigning  
21 performance ratings, regardless of the performance of the district,  
22 school, or campus in a subsequent school year.

23 (g) The commissioner shall revoke a charter holder's  
24 charter for an open-enrollment charter school for which the charter  
25 holder received a charter renewal based on the absence of a  
26 performance rating for a school year for which the agency was  
27 enjoined from assigning a performance rating if, after the

assignment of performance ratings for that year, the charter would not have been renewed under Section 12.1141(d), regardless of the performance of the school in a subsequent school year.

Sec. 39A.909. INTERVENTIONS OR SANCTIONS RELATED TO 2022-2023 OR 2023-2024 SCHOOL YEAR PERFORMANCE RATINGS. (a) The commissioner shall appoint a board of managers to govern a school district or open-enrollment charter school as provided by Section 39A.202 if the district or school:

(1) brought or joined an action or proceeding to prevent the implementation of the public school accountability system under Chapter 39 for the 2022-2023 or 2023-2024 school year; and

(2) includes a campus that, based on the campus's performance rating for the school year in which the district or school brought or joined the action or proceeding described by Subdivision (1), would have been subject to commissioner action under Section 39A.111.

(b) Notwithstanding any other law, the commissioner shall impose an intervention described by Section 39A.107(c) on a school district or open-enrollment charter school if the district or school:

(1) brought or joined an action or proceeding to prevent the implementation of the public school accountability system under Chapter 39 for the 2022-2023 or 2023-2024 school year; and

(2) includes a campus that, based on the campus's performance rating for the school year in which the district or

school brought or joined the action or proceeding described by Subdivision (1), would have constituted the second, third, or fourth consecutive year of unacceptable performance.

(c) The commissioner shall impose an intervention described by Section 12.115(c), 39A.004, or 39A.111, as applicable, on a school district, open-enrollment charter school, or district or school campus if the district, school, or campus would have been subject to commissioner action under the applicable section based on the performance rating of the district, school, or campus for the 2022-2023 or 2023-2024 school year, regardless of the performance of the district, school, or campus in a subsequent school year.

(d) The commissioner shall revoke a charter holder's charter for an open-enrollment charter school for which the charter holder received a charter renewal based on the absence of a performance rating for the 2022-2023 or 2023-2024 school year if, after the assignment of performance ratings for those years, the charter would not have been renewed under Section 12.1141(d), regardless of the performance of the school in a subsequent school year.

SECTION 16. Section 45.105(c-1), Education Code, is amended to read as follows:

(c-1) Notwithstanding any other law, federal, state, or local funding, including funding under Chapters 46, 48, and 49, [Funds described by Subsection (c)] may not be used to initiate or maintain any action or proceeding against the state or an agency or officer of the state, including an action or proceeding that includes a claim of ultra vires conduct [arising out of a decision,

~~order, or determination that is final and unappealable under a provision of this code], except that funds may be used for an action or proceeding that is specifically authorized by a provision of this code or by Section 2001.038, Government Code [a rule adopted under this code and that results in a final and unappealable decision, order, or determination].~~

SECTION 17. Subchapter E, Chapter 45, Education Code, is amended by adding Section 45.1051 to read as follows:

Sec. 45.1051. LIMITATION ON ATTORNEY PAYMENTS FOR CERTAIN ACTIONS. (a) If a school district or open-enrollment charter school brings an action against the agency, the State Board of Education, or the State Board for Educator Certification or an agent or officer of those entities that alleges ultra vires conduct by the entity or an agent or officer of the entity, the district or school must deposit all payments relating to the action made to the district's or school's attorney in an escrow account. The district or school may use money deposited in the escrow account to pay the district's or school's attorney only:

(1) after:

(A) a final judgment is rendered; and

(B) all appeals are fully resolved; and

(2) if the district or school prevails in the action.

(b) A school district or open-enrollment charter school shall provide money deposited in an escrow account under this section that may not be paid to the district's or school's attorney under Subsection (a) after the rendering of a final judgment and the resolution of all appeals to the state for deposit in the foundation

1 school fund.

2 (c) This section may not be interpreted to authorize an  
3 action not otherwise authorized by law.

4 SECTION 18. Section 22A.001(a), Government Code, is amended  
5 to read as follows:

6 (a) The attorney general may petition the chief justice of  
7 the supreme court to convene a special three-judge district court  
8 in any suit filed in a district court in this state in which this  
9 state or a state officer or agency is a defendant in a claim that:

10 (1) challenges the finances or operations of this  
11 state's public school system, including challenges to the  
12 implementation of the public school accountability system under  
13 Chapter 39, Education Code; or

14 (2) involves the apportionment of districts for the  
15 house of representatives, the senate, the State Board of Education,  
16 or the United States Congress, or state judicial districts.

17 SECTION 19. The heading to Section 312.003, Labor Code, is  
18 amended to read as follows:

19 Sec. 312.003. INVENTORY OF CERTIFICATIONS [~~CREDENTIALS AND~~  
20 ~~CERTIFICATES~~].

21 SECTION 20. Sections 312.003(a), (b), (c), and (d), Labor  
22 Code, are amended to read as follows:

23 (a) The advisory council shall develop an inventory of  
24 industry-recognized certifications [~~credentials and certificates~~]  
25 that may be earned by a public high school student through a career  
26 and technology education program and that:

27 (1) are aligned to state and regional workforce needs;

1 ~~[and]~~

2 (2) serve as an entry point to middle- and high-wage  
3 jobs; and

4 (3) meet the requirements of Section 39.0531(a),  
5 Education Code.

6 (b) The inventory must include for each certification  
7 ~~[credential or certificate]~~:

8 (1) the associated career cluster;

9 (2) the awarding entity;

10 (3) the level of education required and any additional  
11 requirements for the certification ~~[credential or certificate]~~;

12 (4) any fees for obtaining the certification  
13 ~~[credential or certificate]~~; and

14 (5) the average wage or salary for jobs that require or  
15 prefer the certification ~~[credential or certificate]~~.

16 (c) In developing the inventory, the advisory council may  
17 consult with local workforce boards, the Texas Workforce Investment  
18 Council, the Texas Economic Development and Tourism Office, the  
19 Texas Education Agency, and the Texas Higher Education Coordinating  
20 Board.

21 (d) The advisory council shall establish a process for  
22 developing the inventory, including the criteria for the inclusion  
23 of a certification ~~[credential or certificate]~~ in the inventory.

24 SECTION 21. Section 15, Chapter 925 (S.B. 1566), Acts of the  
25 85th Legislature, Regular Session, 2017, which amended Section  
26 [39.102](#)(a), Education Code, is repealed.

27 SECTION 22. The changes in law made by Sections

1 39.023(a-11), 39.053(a), 39.054, 39.0541, and 39.0542, Education  
2 Code, as amended by this Act, apply to an action or determination  
3 related to public school accountability and accountability ratings  
4 beginning with the 2022-2023 school year, regardless of whether the  
5 action or determination occurred before, on, or after the effective  
6 date of this Act.

7 SECTION 23. The changes in law made by Section 39.053,  
8 Education Code, as amended by this Act, and Section 39.0531,  
9 Education Code, as added by this Act, apply to accountability  
10 ratings beginning with the 2027-2028 school year.

11 SECTION 24. This Act takes effect immediately if it  
12 receives a vote of two-thirds of all the members elected to each  
13 house, as provided by Section 39, Article III, Texas Constitution.  
14 If this Act does not receive the vote necessary for immediate  
15 effect, this Act takes effect September 1, 2025.