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FLOOR AMENDMENT NO._____ BY: Dutton

Amend C.S.H.B. No. 3270 (house committee report) as follows:

(1) On page 2, line 8, strike "no" and substitute "an".

(2) On page 2, line 10, between "appealed" and the underlined period, insert "only if specifically authorized by this code or a rule adopted under this code".

(3) On page 6, line 18, between "(d)" and "[~~Regardless~~", insert the following:

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(g) Section 39A.301 applies to an action taken under Subsection (d)(1) in the same manner as that section applies to an action taken under Chapter 39A

(4) On page 7, lines 21-23, strike ", and a determination or decision made by the agency under this section is final and unappealable".

(5) On page 14, line 11, between "appealed" and the period, insert ", except as provided by Section 39A.301".

(6) Add the following appropriately numbered SECTION to ARTICLE 2 of the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 2.__. Section 39A.301, Education Code, is amended to read as follows:

Sec. 39A.301. REVIEW OF SANCTIONS BY STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) A school district or open-enrollment charter school must appeal under this section if the district or school [~~that~~] intends to challenge a decision by the commissioner under Section 39.003 or this chapter to:

(1) close the district or a district campus or the charter school;

(2) [~~or to~~] pursue alternative management of a

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district campus or the charter school; or

(3) appoint a board of managers to the district or school under Section 39A.202 [~~must appeal the decision under this section~~].

(b) A challenge under this section to a decision by the commissioner described by Subsection (a) is subject to review by the State Office of Administrative Hearings. Notwithstanding [~~under this section is under the substantial evidence rule as provided by Subchapter G,~~] Chapter 2001, Government Code:

(1) the [~~. The~~] commissioner shall adopt procedural rules for a challenge under this section;

(2) [~~.~~

[~~(c) Notwithstanding other law:~~

[~~(1)~~] the State Office of Administrative Hearings shall conduct an expedited review of a challenge under this section;

(3) the administrative law judge shall uphold a decision by the commissioner described by Subsection (a) unless the judge finds the decision is arbitrary and capricious or clearly erroneous;

(4) in reviewing any discretionary decisions made by the commissioner, the administrative law judge may not substitute the judge's judgment for that of the commissioner;

(5) [~~(2)~~] the administrative law judge shall issue a final order not later than the 30th day after the date on which the hearing is finally closed;

(6) [~~(3)~~] the decision of the administrative law judge is final and may not be appealed; and

(7) [~~(4)~~] the decision of the administrative law judge may set an effective date for an action under this section.

(7) On page 17, line 18, between "code" and the underlined period, insert the following:

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

(8) Add the following appropriately numbered SECTION to ARTICLE 3 of the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 3.__. Section 39A.203, Education Code, is repealed.

(9) Add the following appropriately numbered SECTION to ARTICLE 4 of the bill and renumber subsequent SECTIONS of the ARTICLE accordingly:

SECTION 4.__. Sections 39A.256(a) and (b), Education Code, are amended to read as follows:

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

(b) Except as otherwise provided by this subsection, the board of managers for an open-enrollment charter school [~~or a campus of an open-enrollment charter school~~] may not serve for a period that exceeds the period authorized by law for a board of managers appointed for a school district. A board of managers appointed to wind up the affairs of a former open-enrollment charter school or campus serves until dissolved by the commissioner.