87R12726 GCB-F

By:  Gates H.B. No. 2554

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of joint vocational school districts to provide eligible high school students with vocational and educational training under a plan for the issuance of a high school diploma, the funding of those districts under the foundation school program, and the operation of certain vocational education charter programs.

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

ARTICLE 1. JOINT VOCATIONAL SCHOOL DISTRICTS

SECTION 1.001.  Subtitle C, Title 2, Education Code, is amended by adding Chapter 12B to read as follows:

CHAPTER 12B. JOINT VOCATIONAL SCHOOL DISTRICTS

Sec. 12B.001.  DEFINITIONS. In this chapter:

(1)  "Board" means the State Board of Education.

(2)  "Member district" means a school district that has formed a joint vocational school district under this chapter with one or more other school districts.

Sec. 12B.002.  PURPOSE. The purpose of a joint vocational school district authorized under this chapter is to provide public education to high school students whose educational needs are better served by focused vocational education and training.

Sec. 12B.003.  AUTHORITY TO ESTABLISH JOINT VOCATIONAL SCHOOL DISTRICT. (a) On the petition of the board of trustees of two or more school districts, the board shall establish a joint vocational school district to provide vocational education and training to eligible high school students.

(b)  A petition under this section may be joined by a municipality or county if:

(1)  the board of trustees of each member district votes to approve the participation of the municipality or county; and

(2)  the governing body of each municipality or county votes to approve participation in the joint vocational school district.

(c)  The board by rule may impose duties or limitations on the establishment of joint vocational school districts under this chapter as necessary to ensure the promotion of the purpose provided under Section 12B.002.

(d)  The board shall grant to joint vocational school districts the right to share in the available school fund apportionment and other privileges as are granted to school districts.

Sec. 12B.004.  GOVERNANCE. (a) A joint vocational school district is governed by a board of trustees appointed as provided by this section. The board of trustees shall execute the powers and duties provided under Section 12B.005.

(b)  Subject to Subsection (c), a joint vocational school district is governed by a board of trustees composed of seven members appointed under an agreement between the board of trustees of each member district and, if applicable, the governing body of each municipality or county that participates in the petition to establish the joint vocational school district. The board of trustees shall include:

(1)  at least:

(A)  one trustee who serves as a trustee of the board of trustees of each member district; and

(B)  one trustee appointed by the governing body of each participating municipality or county; and

(2)  for any remaining trustee positions, individuals with:

(A)  relevant experience or knowledge concerning regional and statewide labor needs; and

(B)  an understanding of the skills, training, and education required for current and future employment opportunities involving vocational skills.

(c)  If a joint vocational school district is established by seven or more member districts and participating municipalities or counties, the agreement entered into under Subsection (b) must provide for the appointment of:

(1)  not more than one trustee who serves as a trustee of the board of trustees of each member district; and

(2)  not more than one trustee appointed by the governing body of each participating municipality or county.

(d)  Trustees appointed under this section shall serve staggered terms of three years in accordance with the agreement under Subsection (b) entered into by each member district and each participating municipality or county. If a trustee vacates a term of office before the term expires, a new trustee shall be appointed by the member district or participating municipality or county that appointed the trustee who is vacating.

(e)  The board of trustees of a joint vocational school district shall annually elect a chair to preside over meetings of the board of trustees and execute powers and duties assigned to the chair by the board of trustees.

Sec. 12B.005.  POWERS AND DUTIES OF BOARD OF TRUSTEES; SUPERINTENDENT. (a) The board of trustees of a joint vocational school district shall employ a superintendent to exercise the powers and duties of the district.

(b)  The board of trustees of a joint vocational school district shall:

(1)  comply with Section 11.0621 in conducting meetings;

(2)  establish working relationships with other public entities to increase the effective use of community resources and serve the needs of the students of the joint vocational school district;

(3)  adopt a vision statement and comprehensive set of goals for the joint vocational school district;

(4)  adopt a student code of conduct and other policies necessary for the operation of the joint vocational school district;

(5)  ensure the joint vocational school district's superintendent is accountable for achieving performance results under the goals adopted under Subdivision (3);

(6)  adopt an annual budget for the joint vocational school district;

(7)  monitor the joint vocational school district's finances to ensure the superintendent is properly maintaining financial procedures and records;

(8)  ensure the fiscal accounts of the joint vocational school district are audited annually;

(9)  provide to each member district and each participating municipality or county and the public an end-of-year financial report for the joint vocational school district; and

(10)  carry out duties applicable to a joint vocational school district provided under any other law.

(c)  The board of trustees of a joint vocational school district may, in the name of the district:

(1)  enter contracts;

(2)  acquire and hold real and personal property;

(3)  sue and be sued; and

(4)  receive gifts, grants, and donations of money or other property.

Sec. 12B.006.  APPLICABILITY OF OPEN MEETINGS AND PUBLIC INFORMATION LAWS. (a) With respect to the operation of a joint vocational school district, the board of trustees of the district is considered to be a governmental body for purposes of Chapters 551 and 552, Government Code.

(b)  With respect to the operation of a joint vocational school district, any requirement in Chapter 551 or 552, Government Code, or another law that concerns open meetings or the availability of information, that applies to a school district, the board of trustees of a school district, or public school students applies to the joint vocational school district, the board of trustees of the joint vocational school district, or students enrolled in the joint vocational school district.

Sec. 12B.007.  APPLICABILITY OF LAWS RELATING TO LOCAL GOVERNMENT RECORDS. (a) With respect to the operation of a joint vocational school district, the district is considered to be a local government for purposes of Subtitle C, Title 6, Local Government Code, and Subchapter J, Chapter 441, Government Code.

(b)  Records of a joint vocational school are government records for all purposes under state law.

(c)  Any requirement in Subtitle C, Title 6, Local Government Code, or Subchapter J, Chapter 441, Government Code, that applies to a school district, the board of trustees of a school district, or an officer or employee of a school district applies to a joint vocational school district, the board of trustees of the joint vocational school district, or an officer or employee of a joint vocational school district.

Sec. 12B.008.  APPLICABILITY OF LAWS RELATING TO PUBLIC PURCHASING AND CONTRACTING. (a) A joint vocational school district is considered to be:

(1)  a governmental entity for purposes of:

(A)  Subchapter D, Chapter 2252, Government Code; and

(B)  Subchapter B, Chapter 271, Local Government Code;

(2)  a political subdivision for purposes of Subchapter A, Chapter 2254, Government Code; and

(3)  a local government for purposes of Sections 2256.009-2256.016, Government Code.

(b)  A requirement in a law listed in this section that applies to a school district or the board of trustees of a school district applies to a joint vocational school district or the board of trustees of a joint vocational school district.

Sec. 12B.009.  STATE FUNDING. (a) A joint vocational school district is entitled to receive funding under Chapter 48 equal to the amount of funding per student in weighted average daily attendance, excluding the adjustment under Section 48.052, the funding under Sections 48.101, 48.106, 48.111, and 48.112, and enrichment funding under Section 48.202(a), to which the joint vocational school district would be entitled under Chapter 48 if the joint vocational school district were a school district without a tier one local share under Section 48.266.

(b)  In determining funding for a joint vocational school district under Subsection (a), the amount of the allotment under Section 48.102 is based solely on the basic allotment to which the joint vocational school district is entitled and does not include any amount based on the allotment under Section 48.101.

(c)  In addition to the funding provided by Subsection (a), a joint vocational school district is entitled to receive an allotment per student in average daily attendance in an amount equal to the difference between:

(1)  the product of:

(A)  the quotient of:

(i)  the total amount of funding provided to eligible school districts under Section 48.101(b) or (c); and

(ii)  the total number of students in average daily attendance in school districts that receive an allotment under Section 48.101(b) or (c); and

(B)  the sum of one and the quotient of:

(i)  the total number of students in average daily attendance in school districts that receive an allotment under Section 48.101(b) or (c); and

(ii)  the total number of students in average daily attendance in school districts statewide; and

(2)  $125.

(d)  In addition to the funding provided by Subsections (a) and (c), a joint vocational school district is entitled to receive enrichment funding under Section 48.202 based on the state average tax effort.

(e)  In addition to the funding provided by Subsections (a), (c), and (d), a joint vocational school district is entitled to receive funding under Sections 48.110 and 48.112 and Subchapter D, Chapter 48, if the joint vocational school district would be entitled to the funding if the joint vocational school district were a school district.

(f)  In addition to other amounts provided by this section, a joint vocational school district is entitled to receive funding per student in average daily attendance in an amount equal to the guaranteed level of state and local funds per student per cent of tax effort under Section 46.032(a) multiplied by the lesser of:

(1)  the state average interest and sinking fund tax rate imposed by school districts for the current year; or

(2)  a rate that would result in a total amount to which school districts are entitled for the current year.

(g)  A joint vocational school district is entitled to funds that are available to school districts from the agency or the commissioner in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that joint vocational school districts are not entitled to the funding.

(h)  The commissioner may adopt rules to provide and account for state funding of joint vocational school districts under this section.

Sec. 12B.010.  FACILITIES. Each member district and the board of trustees of a joint vocational school district may:

(1)  make provisions for adequate facilities for use by the joint vocational school district;

(2)  individually or collectively lease, purchase, finance, construct, or rehabilitate physical facilities appropriate to the needs of the joint vocational school district;

(3)  lease district facilities to the joint vocational school district for administrative and instructional purposes; and

(4)  solicit, accept, and administer gifts, grants, or donations of any kind and from any source for facilities and equipment.

Sec. 12B.011.  DESIGNATION AS CHARTER DISTRICT FOR PURPOSES OF BOND GUARANTEE. (a) On the application of the board of trustees of a joint vocational school district, the commissioner shall grant designation as a charter district to a joint vocational school district that meets financial standards adopted by the commissioner. The financial standards must require the district to have an investment grade credit rating as specified by Section 45.0541.

(b)  A joint vocational school district that is designated as a charter district may apply for bonds issued under Chapter 53, including refunding and refinanced bonds, to be guaranteed by the permanent school fund under Chapter 45.

Sec. 12B.012.  ENROLLMENT ELIGIBILITY. A student is eligible to attend school in a joint vocational school district if:

(1)  the joint vocational school district has received the form indicating informed consent for the student under Section 12B.013; and

(2)  the student:

(A)  attends a campus of a member district and has completed the student's 10th grade year;

(B)  does not attend school in a member district but attends a public or private high school in this state, has earned 10 or more high school credits, and has been administered any assessment instruments required under applicable federal law to be administered to students in grades 9 and 10; or

(C)  is not enrolled in a public or private high school in this state but meets minimum requirements established under rule of the board for the enrollment of those students in a joint vocational school district.

Sec. 12B.013.  INFORMED CONSENT. (a) Before a student may enroll in a joint vocational school district, the student and the student's parent, guardian, or other person standing in parental relation to the student must be advised by a school counselor of the school the student attends or of the joint vocational school district concerning:

(1)  specific benefits of graduating under the foundation high school program established under Section 28.025;

(2)  specific benefits of graduating under a vocational education program with a diploma and earning industry-recognized credentials through the joint vocational school district; and

(3)  the differences between the curriculum requirements for obtaining a diploma at a joint vocational school district and the curriculum requirements for obtaining a diploma under the foundation high school program.

(b)  After receiving the required counseling described by Subsection (a), the student's parent, guardian, or other person standing in parental relation to the student may provide written permission for the student to enroll in the joint vocational school district, on a form adopted by the agency, to the school counselor. If the school counselor is not employed by the joint vocational school district, the person shall forward the form indicating informed consent for the student to the joint vocational school district at which the student intends to enroll.

Sec. 12B.014.  COMPETITIONS. (a) Subject to Subsection (b), a student enrolled in a joint vocational school district may participate in:

(1)  a competition or other activity sanctioned or conducted by the University Interscholastic League as if the student attends a campus in the school district the student would otherwise be zoned to attend; and

(2)  an academic competition or nonathletic activity sanctioned or conducted by the University Interscholastic League, if the competition or activity is offered through the joint vocational school district.

(b)  If a student participates in nonathletic competitions and activities under Subsection (a)(2), the student may participate in athletic competitions and activities only under Subsection (a)(1).

Sec. 12B.015.  REMOVAL AND EXPULSION OF STUDENTS. (a) The board of trustees of a joint vocational school district shall adopt a code of conduct for the district and each campus of the district. In addition to establishing standards for behavior, the code of conduct shall outline generally the types of prohibited behaviors and the possible consequences of the behavior. The code of conduct shall also outline the school's due process procedures with respect to expulsion. Notwithstanding any other law, a decision of the board of trustees of a joint vocational school district with respect to actions taken under the code of conduct is final and may not be appealed.

(b)  A joint vocational school district may not expel a student for a reason that is not authorized by Section 37.007 or specified in the school's code of conduct as conduct that may result in expulsion.

(c)  Notwithstanding any other law, Section 37.002 is not applicable to a joint vocational school district unless the board of trustees of the district determines it is applicable.

Sec. 12B.016.  VOCATIONAL EDUCATION PROGRAM. (a) Each joint vocational school district established under this chapter shall offer students who enroll in the district a vocational education program that is aligned with:

(1)  industry-recognized credentials and certificates included in the inventory required by Section 29.189; or

(2)  industry-defined and industry-recognized skill standards developed under Section 2308.109, Government Code.

(b)  The board shall establish minimum curriculum requirements for a vocational education program under this section. In providing curriculum requirements, the board may not require the successful completion of more than 12 credits for graduation.

(c)  A joint vocational school district may require the completion of additional credits that are not included in the minimum curriculum requirements established by the board, as requirements for graduation and the issuance of a diploma under a vocational education program.

(d)  In providing the minimum curriculum requirements under Subsection (b), the board shall require one-half credit in a course that provides instruction in the basic knowledge and skills necessary to:

(1)  successfully run an independent business; and

(2)  develop entrepreneurship.

(e)  The board by rule may provide curriculum standards for the course described by Subsection (d).

(f)  In offering a vocational education program under this section, a joint vocational school district may form partnerships between the district and public junior colleges, public technical institutes, public state colleges, and any other public postsecondary institutions in this state offering academic or technical education or vocational training under a certificate program or an associate degree program.

(g)  A joint vocational school district may use state funding received under Section 12B.009 that is available for the purpose to pay tuition costs for district students receiving academic or technical education or vocational training from a college or institution under a partnership entered into under Subsection (f).

Sec. 12B.017.  VOCATIONAL HIGH SCHOOL DIPLOMA. Notwithstanding any other law, agency rule, or district policy, a student who successfully completes the course requirements for a vocational school program is entitled to receive a high school diploma from the joint vocational school district in accordance with commissioner rules concerning high school graduation requirements.

Sec. 12B.018.  ASSESSMENT INSTRUMENTS. (a) A joint vocational school district may adopt and administer assessment instruments necessary for a student enrolled in the district to earn an industry-recognized license, credential, or certificate.

(b)  Notwithstanding any other law, the commissioner may not require that a student enrolled in a joint vocational school district be administered an assessment instrument under Section 39.023 that is not required to be administered to the student under federal law.

(c)  The commissioner may not waive the application of Subsection (b) under Section 7.056 or any other law. This subsection does not prohibit the commissioner from waiving the administration of assessment instruments otherwise required to be administered to students under federal law, in accordance with waiver authority granted to the commissioner by the United States Department of Education.

Sec. 12B.019.  EXAM SUBSIDY. A student enrolled in a joint vocational school district is entitled to an exam subsidy for an exam administered under Section 12B.018 that qualifies the student for an industry-recognized license, credential, or certificate.

Sec. 12B.020.  ACHIEVEMENT INDICATORS. (a) The commissioner shall adopt a set of achievement indicators for joint vocational school districts based on recommendations provided by the Texas Workforce Investment Council.

(b)  The achievement indicators adopted by the commissioner must measure outcomes for joint vocational school districts with respect to:

(1)  preparing students for success in:

(A)  achieving industry-recognized licenses, credentials, and certificates;

(B)  postsecondary occupational training programs; and

(C)  entering the workforce;

(2)  reducing outcome differentials among students from different racial and ethnic groups and socioeconomic backgrounds; and

(3)  informing parents and employers regarding the performance of joint vocational school districts and students who attended a joint vocational school district.

(c)  Each joint vocational school district shall submit to the commissioner all relevant information the commissioner determines necessary to evaluate the joint vocational school district based on the achievement indicators adopted under this section.

(d)  The commissioner shall annually publish a report on the performance of joint vocational school districts based on the achievement indicators.

Sec. 12B.021.  MINIMUM INSTRUCTOR QUALIFICATIONS. (a) A person employed by a joint vocational school district as an instructor must have demonstrated subject matter expertise related to the subject taught, including:

(1)  professional work experience;

(2)  formal training and education;

(3)  holding a relevant, active, industry-recognized license, credential, or certificate; or

(4)  any combination of Subdivisions (1), (2), and (3).

(b)  A person employed by a joint vocational school district as an instructor must have received at least 20 hours of classroom management training as determined by the board of trustees of the joint vocational school district.

Sec. 12B.022.  REQUIREMENTS FOR EMPLOYMENT OF CERTAIN EMPLOYEES. A person may not be employed by or serve as a teacher, librarian, educational aide, administrator, or school counselor at a joint vocational school district campus unless:

(1)  the person has been approved by the agency following a review of the person's national criminal history record information as provided by Section 22.0832; and

(2)  the school has confirmed that the person is not included in the registry under Section 22.092.

Sec. 12B.023.  MEMBERSHIP IN TEACHER RETIREMENT SYSTEM OF TEXAS. (a) An employee of a joint vocational school district who qualifies for membership in the Teacher Retirement System of Texas shall be covered under the system to the same extent a qualified employee of a school district is covered.

(b)  For each employee covered under the system, the joint vocational school district is responsible for making any contribution that otherwise would be the legal responsibility of the school district, and the state is responsible for making contributions to the same extent it would be legally responsible if the employee were a school district employee.

Sec. 12B.024.  BUSINESS AND INDUSTRY PARTNERSHIPS. (a) A joint vocational school district may partner with private sector businesses to ensure students have sufficient opportunities to participate in apprenticeship training programs and other workplace-based education.

(b)  A joint vocational school district may sponsor apprenticeship training programs under Chapter 133 in the same manner as a school district.

SECTION 1.02.  Sections 48.110(c), (d), (e), (f), and (h), Education Code, are amended to read as follows:

(c)  Each year, the commissioner shall determine for each school district and each joint vocational school district the minimum number of annual graduates in each cohort described by Subsection (b) who would have to demonstrate college, career, or military readiness as described by Subsection (f) in order for the district to achieve a percentage of college, career, or military readiness for that cohort equal to the threshold percentage established for that cohort under Subsection (b).

(d)  For each annual graduate in a cohort described by Subsection (b) who demonstrates college, career, or military readiness as described by Subsection (f) in excess of the minimum number of students determined for the applicable district cohort under Subsection (c), a school district or joint vocational school district is entitled to an annual outcomes bonus of:

(1)  if the annual graduate is educationally disadvantaged, $5,000;

(2)  if the annual graduate is not educationally disadvantaged, $3,000; and

(3)  if the annual graduate is enrolled in a special education program under Subchapter A, Chapter 29, $2,000, regardless of whether the annual graduate is educationally disadvantaged.

(e)  A school district or joint vocational school district is entitled to an outcomes bonus under each subdivision of Subsection (d) for which an annual graduate qualifies.

(f)  For purposes of this section, an annual graduate demonstrates:

(1)  college readiness if the annual graduate:

(A)  achieves college readiness standards used for accountability purposes under Chapter 39 on the ACT, the SAT, or an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.334; and

(B)  during a time period established by commissioner rule, enrolls at a postsecondary educational institution;

(2)  career readiness if:

(A)  the annual graduate:

(i) [~~(A)~~]  achieves college readiness standards used for accountability purposes under Chapter 39 on the ACT, the SAT, or an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.334; and

(ii) [~~(B)~~]  during a time period established by commissioner rule, earns an industry-accepted certificate; or

(B)  the annual graduate earns an industry-recognized license, credential, or certificate under a vocational education program provided under Chapter 12B; and

(3)  military readiness if the annual graduate:

(A)  achieves a passing score set by the applicable military branch on the Armed Services Vocational Aptitude Battery; and

(B)  during a time period established by commissioner rule, enlists in the armed forces of the United States.

(h)  On application by a school district, the commissioner may allow annual graduates from the district to satisfy the requirement for demonstrating career readiness under Subsection (f)(2)(A)(ii) [~~(f)(2)(B)~~] by successfully completing a coherent sequence of courses required to obtain an industry-accepted certificate. The district must demonstrate in the application that the district is unable to provide sufficient courses or programs to enable students enrolled at the district to earn an industry-accepted certificate within the time period established by the commissioner under Subsection (f)(2)(A)(ii) [~~(f)(2)(B)~~]. The commissioner by rule shall provide the criteria required for an application under this subsection.

ARTICLE 2. VOCATIONAL EDUCATION CHARTER PROGRAMS

SECTION 2.01.  Section 12.056, Education Code, is amended by adding Subsection (c) to read as follows:

(c)  Notwithstanding Subsection (b), requirements related to high school graduation under Section 28.025 do not apply to the issuance of a diploma under a vocational education program for which a charter is granted under this subchapter if the program is administered in the same manner as a vocational education program under Section 12B.016 and in accordance with any applicable rules of the State Board of Education regarding those programs.

ARTICLE 3. CONFORMING AMENDMENTS

SECTION 3.01.  Section 21.006(a)(2), Education Code, is amended to read as follows:

(2)  "Other charter entity" means:

(A)  a school district operating under a home-rule school district charter adopted under Subchapter B, Chapter 12;

(B)  a campus or campus program operating under a charter granted under Subchapter C, Chapter 12; [~~and~~]

(C)  an entity that contracts to partner with a school district under Section 11.174(a)(2) to operate a district campus under a charter granted to the entity by the district under Subchapter C, Chapter 12; and

(D)  a joint vocational school district operating under Chapter 12B.

SECTION 3.02.  Section 21.009(a), Education Code, is amended to read as follows:

(a)  An applicant for a position described by Section 21.003(a) or (b) with a school district, joint vocational school district, district of innovation, open-enrollment charter school, private school, regional education service center, or shared services arrangement must submit, using a form adopted by the agency, a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

SECTION 3.03.  Section 28.016(b), Education Code, is amended to read as follows:

(b)  The instruction must include information regarding:

(1)  the creation of a high school personal graduation plan under Section 28.02121;

(2)  the distinguished level of achievement described by Section 28.025(b-15);

(3)  each endorsement described by Section 28.025(c-1);

(4)  college readiness standards; [~~and~~]

(5)  potential career choices and the education needed to enter those careers; and

(6)  programs of study offered through a joint vocational school district, if the district is a member district of a joint vocational school district established under Chapter 12B.

SECTION 3.04.  Section 29.182(b), Education Code, is amended to read as follows:

(b)  The state plan must include procedures designed to ensure that:

(1)  all secondary and postsecondary students have the opportunity to participate in career and technology education programs;

(2)  the state complies with requirements for supplemental federal career and technology education funding;

(3)  career and technology education is established as a part of the total education system of this state and constitutes an option for student learning that provides a rigorous course of study consistent with the required curriculum under Section 28.002 and under which a student may receive specific education in a career and technology program that:

(A)  incorporates competencies leading to academic and technical skill attainment;

(B)  leads to:

(i)  an industry-recognized license, credential, or certificate; or

(ii)  at the postsecondary level, an associate or baccalaureate degree;

(C)  includes opportunities for students to earn college credit for coursework; [~~and~~]

(D)  includes, as an integral part of the program, participation by students and teachers in activities of career and technical student organizations supported by the agency and the State Board of Education; and

(E)  includes the opportunity for students to participate in focused vocational education through a vocational education program offered by a joint vocational school district; and

(4)  a school district provides, to the greatest extent possible, to a student participating in a career and technology education program opportunities to enroll in dual credit courses designed to lead to a degree, license, or certification as part of the program.

SECTION 3.05.  Section 48.1101(a), Education Code, is amended to read as follows:

(a)  The agency shall conduct a study on alternative career readiness measures for small and rural school districts to determine if annual graduates demonstrate career readiness under Section 48.110(f)(2)(A)(ii) [~~48.110(f)(2)(B)~~].

ARTICLE 4. TRANSITION; EFFECTIVE DATE

SECTION 4.01.  This Act applies beginning with the 2021-2022 school year.

SECTION 4.02.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.