

**BILL ANALYSIS**

Senate Research Center  
89R31862 AMF-D

C.S.H.B. 4  
By: Buckley et al. (Bettencourt)  
Education K-16  
5/22/2025  
Committee Report (Substituted)

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The bill author has informed the committee that recent lawsuits and feedback from educational leaders underscore a growing need for reforms to the public school accountability system and the state testing program. H.B. 4 seeks to reconstruct both the state testing program and the metrics by which the success of public schools is evaluated to better enable both stakeholder involvement and responsiveness by, among other provisions, implementing an instructionally supportive state testing program, revising the manner in which indicators of achievement and public school performance ratings under the public school accountability system are modified and implemented, establishing a grant program for school district local accountability plans, and providing for actions challenging Texas Education Agency decisions related to public school accountability to be settled in a timely manner.

H.B. 4 amends current law relating to public school accountability, including the implementation of an instructionally supportive assessment program and the adoption and administration of assessment instruments in public schools, indicators of achievement and public school performance ratings under the public school accountability system, a grant program for school district local accountability plans, and actions challenging Texas Education Agency decisions related to public school accountability.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 4 amends current law relating to the assessment of public school students, public school accountability and actions, and proceedings challenging the operations of the public school system.

**RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the State Board of Education is rescinded in SECTION 6 (Section 39.022, Education Code) and SECTION 37 (Sections 33.0812 and 39.023, Education Code) of this bill.

Rulemaking authority previously granted to the State Board of Education is transferred to the Texas Education Agency in SECTION 8 (Section 39.023, Education Code), SECTION 13 (Section 39.027, Education Code), SECTION 15 (Section 39.029, Education Code), and SECTION 17 (Section 39.032, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 21 (Section 39.054, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner of education in SECTION 26 (Section 39.231, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is rescinded in SECTION 37 (Section 33.0812, Education Code) of this bill.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 7.056(e), Education Code, as follows:

(e) Prohibits a school campus or district, except as provided by Subsection (f) (relating to authorizing a school district or campus that is required to develop and implement a certain student achievement plan to receive certain exemptions or waivers), from receiving an exemption or waiver under Section 7.056 (Waivers and Exceptions) from extracurricular activities under Section 33.081 (Extracurricular Activities), rather than under Section 33.081 or participation in a University Interscholastic League area, regional, or state competition under Section 33.0812 (Scheduling Extracurricular Activities Prohibited in Certain Circumstances).

SECTION 2. Amends Section 7.057(d), Education Code, to authorize a person aggrieved by an action of the Texas Education Agency (TEA) or decision of the commissioner of education (commissioner) under Section 7.057 (Appeals) to appeal to a district court in Travis County.

SECTION 3. Amends Section 11.182(b), Education Code, to authorize a board of trustees to determine whether to use the evaluation tool, except as required by Section 39A.002 (Authorized Commissioner Actions), rather than Section 39.102(a) (relating to requiring the commissioner, if a school district does not satisfy certain standards, or if considered appropriate by the commissioner, to take certain actions).

SECTION 4. Amends the heading to Section 39.001, Education Code, to read as follows:

Sec. 39.001. RULES; ACTION FOR DECLARATORY JUDGMENT

SECTION 5. Amends Section 39.001, Education Code, by adding Subsection (c), as follows:

(c) Requires a school district or open-enrollment charter school to bring an action for declaratory judgment under Section 2001.038 (Declaratory Judgment), Government Code, challenging the validity or applicability of a rule adopted under Chapter 39 (Public School System Accountability) or Chapter 39A (Accountability Interventions and Sanctions) not later than six months after the date the rule is adopted.

SECTION 6. Amends Section 39.022, Education Code, as follows:

Sec. 39.022. New heading: INSTRUCTIONALLY SUPPORTIVE ASSESSMENT SYSTEM. (a) Requires TEA, rather than the State Board of Education (SBOE), to create and implement a balanced and streamlined statewide assessment system for assessment instruments administered under Subchapter B (Assessment of Academic Skills), rather than a statewide assessment program that is knowledge-and-skills-based, to ensure school accountability for student achievement that meets certain criteria, including being aligned with the essential knowledge and skills adopted by SBOE under Section 28.002 (Required Curriculum) and prioritizes student learning. Makes nonsubstantive changes.

(b) Creates this subsection from existing text. Requires TEA to consider the importance of maintaining stability in the statewide assessment system when modifying the system. Deletes existing text requiring the commissioner, after adopting rules under this section, to consider the importance of maintaining stability in the statewide assessment program when adopting any subsequent modification of the rules.

(c) Creates this subsection from existing text and makes a conforming change.

(d) Requires that the assessment system implemented under this section include:

(1) assessment instruments administered under certain provisions of the Education Code;

(2) beginning-of-year and middle-of-year assessment instruments described by Section 39.023(o-1); and

(3) technical assistance and guidance to school districts and open-enrollment charter schools for implementing the assessment system, including assistance and guidance on implementing a comprehensive assessment strategy that improves student performance and promotes mastery of the essential knowledge and skills and informs educators regarding assessment requirements and reducing the assessment burden on students and school personnel.

SECTION 7. Amends Subchapter B, Chapter 39, Education Code, by adding Section 39.0225, as follows:

Sec. 39.0225. TRANSITION OF ASSESSMENT SYSTEM. (a) Requires TEA to transition the system for assessment instruments administered under this subchapter to incorporate improvements identified in reports submitted under Section 39.0236(d) (relating to requiring TEA to submit to certain entities a report on a certain pilot program that includes certain elements).

(b) Requires TEA, for purposes of making the transition under Subsection (a), to adopt or develop the following assessment instruments to be administered beginning no later than the 2027–2028 school year:

(1) an end-of-year assessment instrument for each subject or course for each grade level subject to assessment under Section 39.023 (Adoption and Administration of Instruments); and

(2) optional beginning-of-year and middle-of-year progress monitoring assessment instruments for each subject and grade level subject to assessment under certain provisions of the Education Code.

(c) Requires the end-of-year assessment instruments described by Subsection (b)(1), to the extent practicable, to fulfill certain criteria

(d) Requires the progress monitoring assessment instruments described by Subsection (b)(2), to the extent practicable, to meet certain requirements

(e) Requires TEA to provide technical assistance and guidance to school districts and open-enrollment charter schools as described by Section 39.022(d)(3) that, to the extent practicable, includes strategies for districts and schools to reduce assessment burdens not later than the beginning of the 2027–2028 school year.

(f) Requires students to continue to be assessed under the preceding assessment program for assessment instruments administered under this subchapter until the applicable assessment instrument for a subject or course and grade level is replaced by an assessment instrument adopted or developed under this section.

(g) Requires TEA to conduct a performance comparison analysis between the assessment system adopted or developed under this section and the preceding assessment program for assessment instruments administered under this subchapter to establish roughly comparable standards for the issuance of performance ratings under Section 39.054 (Methods and Standards for Evaluating Performance) for the school year the system adopted or developed under this section is implemented.

(h) Provides that this section expires September 1, 2028.

SECTION 8. Amends Section 39.023, Education Code, by amending Subsections (a-11), (c), (c-3), (c-8), (e), (g), (i), (l), and (o) and adding Subsection (o-1), as follows:

(a-11) Requires that an assessment instrument adopted or developed under Subsection (a) (relating to requiring TEA to adopt or develop certain assessment instruments designed to

assess essential knowledge and skills in certain subjects), before the assessment instrument is authorized to be administered under that subsection, on the basis of empirical evidence, be determined to be valid and reliable by the advisory committees established under Section 39.02302 (Advisory Committees for Assessment Instruments) or an entity that is, as determined by the commissioner, independent of TEA and of any other entity that developed the assessment instrument.

(c) Deletes existing text requiring SBOE to adopt a schedule for the administration of end-of-course assessment instruments that complies with the requirements of Subsection (c-3). Makes conforming changes.

(c-3) Requires TEA to adopt a schedule for the administration of assessment instruments under this section for each school year and, to the extent practicable, provide the schedule to each school district and open-enrollment charter school two years before the school year to which the schedule applies. Requires that the schedule adopted under this section, to the extent practicable and for the purpose of mitigating local scheduling conflicts, including University Interscholastic League athletic competitions, establish testing windows for the administration of each assessment instrument and allow a district or school to administer an assessment instrument on any date selected by the district or school that falls within the testing window for the instrument.

Deletes existing text requiring SBOE, except as provided by certain provisions of the Education Code or as otherwise provided by this subsection, in adopting a schedule for the administration of assessment instruments under this section, to ensure that assessment instruments administered under Subsection (a) or (c) (relating to requiring TEA to adopt certain assessment instruments for certain courses) are not administered on the first instructional day of a week. Deletes existing text authorizing the commissioner, on request by a school district or open-enrollment charter school, to allow the district or school to administer an assessment instrument required under Subsection (a) or (c) on the first instructional day of a week if administering the assessment instrument on another instructional day would result in a significant administrative burden due to specific local conditions.

(c-8) Requires that at least 25 percent of the available points on an assessment instrument, developed under Subsection (a) or (c) be attributable to questions that are not presented in a multiple choice format. Deletes existing text providing that, beginning with the 2022–2023 school year, not more than 75 percent of the available points may be attributable to questions presented in a multiple choice format.

(e) Requires TEA to also release, rather than under SBOE rule, each question that is no longer being field-tested and that was not used to compute a student's score. Makes a conforming change.

(g) Makes a conforming change to this subsection.

(i) Provides that the provisions of this section, except Subsection (d) (relating to authorizing the commissioner to participate in multistate efforts to develop certain assessment instruments), are subject to modification by rules adopted under Section 39.001, rather than Section 39.022.

(l) Makes a conforming change to this subsection.

(o) Requires TEA to adopt or develop optional interim assessment instruments for each course, rather than each subject or course for each grade level, subject to an end-of-course assessment under this section. Authorizes, rather than prohibits, a school district or open-enrollment charter school to administer, rather than being required to administer, to students enrolled at the district or school interim assessment instruments adopted or developed under this subsection. Makes conforming changes.

(o-1) Requires TEA to adopt or develop optional beginning-of-year and middle-of-year progress monitoring assessment instruments for each subject and grade level subject to assessment under certain provisions of the Education Code. Authorizes a school district or open-enrollment charter school to administer to students enrolled at the district or school progress monitoring assessment instruments adopted or developed under this subsection. Requires that a progress monitoring assessment instrument is required to provide to the district or school administering the assessment instrument information regarding student proficiency in the essential knowledge and skills for the assessed subject to support instruction during the school year and be designed to be predictive of, without intervention, a student's performance on the applicable end-of-year assessment instrument.

SECTION 9. Amends Section 39.0238(b), Education Code, to make a conforming change.

SECTION 10. Amends Section 39.026, Education Code, as follows:

Sec. 39.026. LOCAL OPTION. Authorizes a school district, in addition to the assessment instruments adopted and administered by TEA, rather than adopted by TEA and administered by SBOE, subject to Section 39.0263, to adopt and administer criterion-referenced or norm-referenced assessment instruments, or both, at any grade level.

SECTION 11. Amends the heading to Section 39.0263, Education Code, to read as follows:

Sec. 39.0263. ADMINISTRATION OF DISTRICT-REQUIRED OR CAMPUS REQUIRED BENCHMARK ASSESSMENT INSTRUMENTS.

SECTION 12. Amends Section 39.0263, Education Code, by amending Subsections (a), (b), and (c) and adding Subsection (e) to read as follows:

(a) Defines "benchmark assessment instrument."

(b) Prohibits a school district or campus, except as provided by Subsection (c), from administering to any student more than two benchmark assessment instruments during a school year before the administration of an end-of-year assessment instrument, rather than to prepare the student for a corresponding state-administered assessment instrument.

(c) Provides that the prohibition prescribed by this section does not apply to certain assessments, including a diagnostic assessment included in a screening or testing for dyslexia or a related disorder or an assessment instrument required under state law, including under Chapter 28 (Course of Study; Advancement) or 29 (Educational Programs). Makes nonsubstantive changes.

(e) Authorizes TEA, if TEA determines that a school district or campus is in violation of this section, in addition to any enforcement actions or remedies available to TEA under other law, to require the district or campus to receive technical assistance described by Section 39.022(d)(3).

SECTION 13. Amends Section 39.027(b), Education Code, to make a conforming change.

SECTION 14. Amends Section 39.028, Education Code, as follows:

Sec. 39.028. COMPARISON OF STATE RESULTS TO NATIONAL RESULTS. Requires that the state assessment system, rather than program, obtain nationally comparative results for the subject areas and grade levels for which criterion-referenced assessment instruments are adopted under Section 39.023.

SECTION 15. Amends Section 39.029, Education Code, to make a conforming change.

SECTION 16. Amends Section 39.030(a), Education Code, to make conforming changes.

SECTION 17. Amends Sections 39.032(c-1) and (e), Education Code, to make conforming changes.

SECTION 18. Transfers Section 39.054(b-1), Education Code to Section 39.052, Education Code, redesignates it as Section 39.052(b-1), Education Code, and amends it to make a conforming change.

SECTION 19. Amends Section 39.053, Education Code, by amending Subsections (a), (c), and (f) and adding Subsections (c-4), (f-1), (f-2), (f-3), and (f-4), as follows:

(a) Provides that the commissioner is required periodically to review the indicators for the consideration of appropriate revisions and is authorized, if the commissioner determines an indicator otherwise required under Subchapter C (Accreditation) is not valid or reliable, to exclude the indicator from the set of indicators adopted under Section 39.053 (Performance Indicators: Achievement).

(c) Requires that school districts and campuses be evaluated based on three domains of indicators of achievement adopted under this section that include certain indicators, including, in the student achievement domain, indicators of student achievement that are required to include certain indicators, including, for evaluating the performance of high school campuses and districts that include high school campuses, indicators that account for certain students, including students who demonstrate military readiness through certain factors, including through verified enlistment in the armed forces of the United States or the Texas National Guard or 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. Makes nonsubstantive changes.

(c-4) Requires TEA to 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. Requires that the value assigned to each indicator be based on the strength of the indicator's correlation with successful outcomes and updated in accordance with Subsection (f-1).

(f) Requires the commissioner, annually, to define and authorizes the commissioner to modify the state standards for each indicator adopted under this subchapter, rather than the state standard for the current school year for each achievement indicator adopted under this section, in consultation with educators, parents, and business and industry representatives, as necessary. Requires the commissioner to increase the rigor by which the commissioner determines the overall performance ratings under Section 39.054(a), rather than establish and modify standards, to continuously improve student performance to, not later than the 15th year after the date the commissioner modifies the performance standards under Subsection (f-1), achieve certain goals, including ensuring this state ranks nationally, rather than is a national leader, in the top five states in preparing students for postsecondary success and on the National Assessment of Educational Progress or its successor assessment.

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

(f-2) Requires the commissioner, to the extent practicable, for each of the two school years preceding a school year the commissioner increases a score under Subsection (f-1), in a manner that can be reviewed by school administrators, to report the overall performance of school districts and campuses under that increased score.

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

(f-4) Authorizes the commissioner, notwithstanding Subsection (f), to define state standards for an indicator adopted under this subchapter for multiple school years provided that the commissioner annually affirms that those standards are applicable to the current school year. Provides that the commissioner is not required to adopt the affirmation described by this subsection by rule.

SECTION 20. Amends Subchapter C, Chapter 39, Education Code, by adding Section 39.0531, as follows:

Sec. 39.0531. INDUSTRY CERTIFICATION LIST. (a) Requires TEA to maintain a list of industry certifications that are eligible for purposes of Section 39.053(c)(1)(B)(v) (relating to requiring that school districts and campuses be evaluated based on three domains of indicators of achievement that include indicators of student achievement that are required to include indicators that account for students who earn industry certifications). Requires TEA, in developing the list, to consider the inventory of industry-recognized certifications developed under Section 312.003 (Inventory of Credentials and Certificates), Labor Code. Requires that the certifications be aligned to a program of study that, according to labor market data, prepares students for high-wage, high-skill, in-demand occupations; allow students to demonstrate mastery of the skills required for occupations within an approved program of study; and 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) Requires TEA to 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 in consultation with the advisory council established under Chapter 312 (Industry-Based Certification Advisory Council), Labor Code, and to the extent practicable, concurrently with the modification of performance standards under Section 39.053(f-1).

(c) Requires TEA, if after reviewing an industry certification under Subsection (b), TEA 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), to the extent practicable, to post on TEA's Internet website information regarding the removal of the certification not later than two years before the date TEA intends to remove the certification from the list.

(d) Authorizes a school district, 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), to receive the benefit of achievement indicators based on that industry certification for purposes of Section 39.053(c) only for a cohort of students who were participating in the program of study aligned with that certification during the school year TEA determines the certification is no longer eligible earn the certification within the three-year period.

SECTION 21. Amends Section 39.054, Education Code, by amending Subsections (a), (a-3), (a-4), (a-5), and (b) and adding Subsections (a-6), (a-7), (c), and (d), as follows:

(a) Requires the commissioner, except as provided by Subsection (a-4) (relating to authorizing the commissioner to assign a school district or campus a certain rating if the commissioner determines the assignment of a certain performance rating would be

inappropriate for certain reasons), to adopt rules to evaluate school district and campus performance and, each school year, assign each district and campus an overall performance rating of A, B, C, D, or F. Makes a conforming change.

(a-3) Creates an exception under Subsection (c).

(a-4) Creates an exception under Subsection (a-6).

(a-5) Requires that any interventions or sanctions to which a school district or campus is subject under Chapter 39A continue during a period in which the district or campus is assigned an overall performance rating of "Not Rated."

(a-6) Prohibits the commissioner from assigning an overall performance rating of "Not Rated" to all school districts or all campuses on a statewide basis.

(a-7) Requires TEA, if TEA makes changes to the assessment system under Section 39.022 for assessment instruments administered under this subchapter that require new standards for issuing performance ratings under this section, to conduct a performance comparison analysis between the system as changed and the preceding system to establish roughly comparable standards for issuing performance ratings. Provides that failure to conduct a performance comparison analysis as required under this subsection does not prevent the assignment of performance ratings under this section and is prohibited from being the basis of a challenge to a performance rating assigned under this section.

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

(c) Requires the commissioner to make the information under Subsection (a-3) (relating to requiring that certain information be made publicly available as provided by certain rules) available as soon as reasonably possible in years in which the standards are modified or recalibrated or in which a new assessment instrument is offered.

(d) Provides that failure to assign a performance rating to a school district or campus before the deadline provided by Subsection (a-3) does not invalidate the performance rating assigned to the district or campus or any resulting intervention or sanction imposed on the district or campus.

SECTION 22. Amends Section 39.0541, Education Code, as follows:

Sec. 39.0541. ADOPTION OF INDICATORS AND STANDARDS. Authorizes the commissioner to adopt indicators and standards under this subchapter at any time before issuing the evaluation of a school district or campus, rather than at any time during a school year.

SECTION 23. Amends Section 39.0542, Education Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires the commissioner, rather than requires the commissioner each school year, to provide each school district a document in a simple, accessible format that explains the accountability performance measures, methods, and procedures that will be applied in assigning each school district and campus a performance rating under Section 39.054, rather than will be applied for that school year in assigning each school district and campus a performance rating under Section 39.054.



(d) Provides that failure to provide the document described by Subsection (a) does not prevent the assignment of performance ratings under Section 39.054 and is prohibited from being the basis of a challenge to a performance rating assigned under that section.

SECTION 24. Amends Section 39.151(e), Education Code, as follows:

(e) Prohibits a school district or open-enrollment charter school from challenging on any basis, including a lack of commissioner or TEA authority, a TEA 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 the district or school has exhausted the district's or school's remedies under Section 39.151 (Review By Commissioner: Accountability Determination), rather than if the district or school had an opportunity to challenge the decision under this section.

SECTION 25. Amends Section 39.201(a), Education Code, as follows:

(a) Requires the commissioner to award distinction designations for outstanding performance as provided by Subchapter G (Distinction Designations) concurrently with the assignment of performance ratings under Section 39.054, rather than not later than August 8 of each year. Requires that a distinction designation awarded to a district or campus under this subchapter 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, rather than 39.054(a).

SECTION 26. Amends Subchapter H, Chapter 39, Education Code, by adding Section 39.231, as follows:

Sec. 39.231. LOCAL ACCOUNTABILITY GRANT PROGRAM. (a) Requires TEA, from money appropriated or otherwise available for the purpose, to establish a grant program with capacity to assist at least one school district per education service center region in developing a local accountability system that complies with the requirements of Section 39.0544 (Local Accountability System).

(b) Requires the commissioner to adopt rules to implement this section.

SECTION 27. Amends Section 39A.001, Education Code, as follows:

Sec. 39A.001. GROUNDS FOR COMMISSIONER ACTION. Requires the commissioner to take any of the actions authorized by Subchapter A (Interventions and Sanctions For School Districts) to the extent the commissioner determines necessary if:

(1)-(2) makes nonsubstantive changes to these subsections; or

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

SECTION 28. Amends Subchapter A, Chapter 39A, Education Code, by adding Section 39A.008, as follows:

Sec. 39A.008. INTERVENTION RELATED TO SCHOOL DISTRICT OR OPEN-ENROLLMENT CHARTER SCHOOL ACTION OR PROCEEDING AGAINST STATE. (a) Provides that this section applies to a school district or open-enrollment charter school subject to commissioner action under Section 39A.001(3).

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

(c) Requires a conservator appointed under Subsection (b) to 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 Section 45.105(c-1). Requires the conservator, if the conservator determines that the district or school is not in compliance with that section, to order the district or school to withdraw from the action or proceeding.

(d) Authorizes the commissioner, if a school district or open-enrollment charter school fails to comply with an order by a conservator appointed under Subsection (b) by the deadline established by the conservator, for a school district, to appoint a board of managers to oversee the operations of the district or, for an open-enrollment charter school, to order reconstitution of the school's governing board.

(e) Provides that 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 29. Amends Section 39A.107(c), Education Code, to require the commissioner, if the commissioner does not approve a campus turnaround plan, to order certain actions, including operation of the campus by an entity with which the school district contracts under Section 11.174 (Contract Regarding Operation of District Campus). Makes nonsubstantive changes.

SECTION 30. Amends Section 39A.108, Education Code, as follows:

Sec. 39A.108. IMPLEMENTATION OF CAMPUS TURNAROUND PLAN. Requires, rather than authorizes, a school district, subject to Section 39A.110(a), following approval of a campus turnaround plan by the commissioner, in consultation with the campus intervention team, to take any actions needed to implement, rather than prepare for the implementation of, the plan. Makes a nonsubstantive change.

SECTION 31. Amends Section 39A.110(a), Education Code, as follows:

(a) Provides that, if a campus for which a campus turnaround plan has been ordered under Section 39A.101 (Order for Preparation of Campus Turnaround Plan) receives an acceptable performance rating subsequent to the order, the school district is no longer required to implement the campus turnaround plan. Deletes existing text authorizing the board of trustees of a school district, if a campus for which a campus turnaround plan has been ordered under Section 39A.101 receives an acceptable performance rating for the school year following the order, to implement a modified version of the campus turnaround plan or withdraw the campus turnaround plan. Makes nonsubstantive changes.

SECTION 32. Amends Subchapter Z, Chapter 39A, Education Code, by adding Sections 39A.908 and 39A.909, as follows:

Sec. 39A.908. INTERVENTIONS AND SANCTIONS WHILE ASSIGNMENT OF PERFORMANCE RATINGS ENJOINED. (a) Requires that any previously imposed interventions or sanctions to which the district, school, or campus is subject, notwithstanding any other law, during a period in which TEA is enjoined from assigning performance ratings to a school district, open-enrollment charter school, or district or school campus, continue throughout that period.

(b) Requires TEA, as soon as practicable after the dissolution of an injunction described by Subsection (a), to:

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

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

(c) Requires TEA, notwithstanding any other law, if TEA is permanently enjoined from assigning performance ratings to a school district, open-enrollment charter school, or district or school campus for a school year, to consider the district, school, or campus to have received a "Not Rated" rating for that school year for purposes of:

(1) calculating consecutive years of performance; and

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

(d) Authorizes TEA, to ensure the expeditious implementation of interventions or sanctions under this chapter, to modify or waive a deadline or time frame required by law or agency rule applicable to the assignment of performance ratings for a school year for which TEA was enjoined from assigning performance ratings.

(e) Requires TEA, except as provided by Subsection (f) and Section 39A.909, to impose an intervention or sanction described by Subsection (b)(2) or (c)(2) as required by law unless the intervention or sanction, as determined by the commissioner, has been superseded by a subsequent intervention or sanction or is authorized to be removed based on the subsequent performance of a school district, open-enrollment charter school, or district or school campus.

(f) Requires the commissioner to impose an intervention described by certain provisions of the Education Code, 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 a school year for which TEA was enjoined from assigning performance ratings, regardless of the performance of the district, school, or campus in a subsequent school year.

(g) Requires the commissioner, except as provided by Subsection (h), to 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 a school year for which TEA was 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) (relating to prohibiting the commissioner from renewing a charter and requiring the commissioner to allow the charter to expire under certain circumstances), regardless of the performance of the school in a subsequent school year.

(h) Provides that Subsection (g) does not apply to a charter holder for which TEA has renewed the charter based on the charter holder entering into and meeting the requirements of a performance agreement with TEA.

Sec. 39A.909. INTERVENTIONS OR SANCTIONS RELATED TO 2022-2023 OR 2023-2024 SCHOOL YEAR PERFORMANCE RATINGS. (a) Requires the commissioner to impose an intervention described by certain provisions of the Education Code, 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.

(b) Requires the commissioner to 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 33. Amends Section 45.105(c-1), Education Code, as follows:

(c-1) Prohibits federal, state, or local funding, including funding under certain provisions of the Education Code, notwithstanding any other law, from being 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 claims of ultra vires conduct, except that funds are authorized to be used for an action or proceeding that is specifically authorized by a provision of this code or by Section 2001.038, Government Code. Deletes existing text prohibiting funds described by Subsection (c) (relating to authorizing certain funds to be used for certain state and county purposes) from being used to initiate or maintain any action or proceeding against the state or an agency or officer of the state arising out of a decision, order, or determination that is final and unappealable under a provision of this code, except that funds are authorized to 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.

SECTION 34. Amends Section 22A.001(a), Government Code, as follows:

(a) Authorizes the attorney general to petition the chief justice of the supreme court to convene a special three-judge district court in any suit filed in a district court in this state in which this state or a state officer or agency is a defendant in a claim that performs certain actions, including challenging the finances or operations of this state's public school system, including challenges to the implementation of the public school accountability system under Chapter 39, Education Code.

SECTION 35. Amends the heading to Section 312.003, Labor Code, to read as follows:

Sec. 312.003. INVENTORY OF CERTIFICATIONS.

SECTION 36. Amends Sections 312.003(a), (b), (c), and (d), Labor Code, as follows:

(a) Requires the industry-based certification advisory council (advisory council) to develop an inventory of industry-recognized certifications, rather than credentials and certificates, that may be earned by a public high school student through a career and technology education program and that meets certain requirements, including meeting the requirements of Section 39.0531(a), Education Code. Makes nonsubstantive changes.

(b) Makes conforming changes to this subsection.

(c) Authorizes the advisory council, in developing the inventory, to consult with local workforce boards, the Texas Workforce Investment Council, the Texas Economic Development and Tourism Office, TEA, and the Texas Higher Education Coordinating Board.

(d) Makes a conforming change to this subsection.

SECTION 37. (a) Repealer: Section 15, Chapter 925 (S.B. 1566), Acts of the 85th Legislature, Regular Session, 2017, which amended Section 39.102(a) (relating to requiring the commissioner, if a school district does not satisfy certain standards, or if considered appropriate by the commissioner, to take certain actions), Education Code.

(b) Repealers: Sections 33.0812 (Scheduling Extracurricular Activities Prohibited in Certain Circumstances) and 39A.106 (Date Campus Turnaround Plan Takes Effect), Education Code.

Repealers: Sections 39.023(a-4) (relating to authorizing SBOE to designate sections of a mathematics assessment instrument for a grade level with certain criteria) and (c-7) (relating to providing that certain provisions of the Education Code do not apply to a certain classroom portfolio method under certain circumstances), Education Code.

Repealers: Sections 39.023(c-10) (relating to authorizing certain entities to administer certain assessments) and 39A.110(b) (relating to authorizing a school district required to implement a campus turnaround plan to modify the plan in certain circumstances), Education Code.

SECTION 38. Provides that a rule of SBOE under Sections 39.022, 39.029 (Migratory Children), and 39.032(e), Education Code, that is in effect on the effective date of this Act remains in effect until changed by the commissioner in accordance with those sections as amended by this Act.

SECTION 39. Provides that the changes in law made by Sections 39.023(a-11), 39.053(a), 39.054, 39.0541, and 39.0542 (Explanatory Materials for Accountability Rating System), Education Code, as amended by this Act, apply to an action or determination related to public school accountability and accountability ratings beginning with the 2022–2023 school year, regardless of whether the action or determination occurred before, on, or after the effective date of this Act.

SECTION 40. Provides that Section 39.023(o-1), Education Code, as added by this Act, applies beginning with the 2027–2028 school year.

SECTION 41. Provides that the changes in law made by Section 39.053, Education Code, as amended by this Act, and Section 39.0531, Education Code, as added by this Act, apply to accountability ratings beginning with the 2027–2028 school year.

SECTION 42. Provides that the changes in law made by Sections 39A.108 and 39A.110(a), Education Code, as amended by this Act, apply to a campus for which a campus turnaround plan has been ordered before, on, or after the effective date of this Act.

SECTION 43. Effective date: upon passage or September 1, 2025.