

EDUCATION CODE

TITLE 2. PUBLIC EDUCATION

SUBTITLE H. PUBLIC SCHOOL SYSTEM ACCOUNTABILITY

CHAPTER 39A. ACCOUNTABILITY INTERVENTIONS AND SANCTIONS

SUBCHAPTER A. INTERVENTIONS AND SANCTIONS FOR SCHOOL DISTRICTS

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

(1) a school district does not satisfy:

(A) the accreditation criteria under Section 39.052;

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

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

(2) the commissioner considers the action to be appropriate on the basis of a special investigation under Section 39.003.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 4.08, eff. September 1, 2021.

Sec. 39A.002. AUTHORIZED COMMISSIONER ACTIONS. If a school district is subject to commissioner action under Section 39A.001, the commissioner may:

(1) issue public notice of the deficiency to the board of trustees of the district;

(2) order a hearing to be conducted by the board of trustees of the district to notify the public of:

(A) the insufficient performance;

(B) the improvements in performance expected by the agency; and

(C) the interventions and sanctions that may be

imposed under this subchapter if the performance does not improve;

(3) order the preparation of a student achievement improvement plan that addresses each academic achievement indicator under Section 39.053(c) for which the district's performance is insufficient, the submission of the plan to the commissioner for approval, and the implementation of the plan;

(4) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the district and the district's superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;

(5) arrange a monitoring review of the district;

(6) appoint an agency monitor to participate in and report to the agency on the activities of the board of trustees of the district or superintendent;

(7) appoint a conservator to oversee the operations of the district;

(8) appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person;

(9) authorize the district to enter into a memorandum of understanding with an institution of higher education that provides for the assistance of the institution of higher education in improving the district's performance; or

(10) order the use of the board improvement and evaluation tool as provided by Section 11.182.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 5.025(a), eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 5.017, eff. September 1, 2021.

Sec. 39A.003. POWERS AND DUTIES OF CONSERVATOR OR MANAGEMENT TEAM. (a) The commissioner shall clearly define the

powers and duties of a conservator or management team appointed to oversee the operations of a school district.

(b) At least every 90 days, the commissioner shall review the need for the conservator or management team and shall remove the conservator or management team unless the commissioner determines that continued appointment is necessary for effective governance of the school district or delivery of instructional services.

(c) A conservator or management team, if directed by the commissioner, shall prepare a plan for the implementation of the appointment of a board of managers under Section 39A.004 or the revocation of accreditation under Section 39A.005. The conservator or management team:

(1) may direct an action to be taken by the principal of a campus, the superintendent of the school district, or the board of trustees of the district;

(2) may approve or disapprove any action of the principal of a campus, the superintendent of the district, or the board of trustees of the district;

(3) may not take any action concerning a district election, including ordering or canceling an election or altering the date of or the polling places for an election;

(4) may not change the number of or method of selecting the board of trustees;

(5) may not set a tax rate for the district; and

(6) may not adopt a budget for the district that provides for spending a different amount, exclusive of required debt service, from that previously adopted by the board of trustees.

(d) A conservator or management team may exercise the powers and duties defined by the commissioner under Subsection (a) or described by Subsection (c) regardless of whether the conservator or management team was appointed to oversee the operations of a school district in its entirety or the operations of a certain campus within the district.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 2.10, eff. September 1, 2021.

Sec. 39A.004. APPOINTMENT OF BOARD OF MANAGERS. The commissioner may appoint a board of managers to exercise the powers and duties of a school district's board of trustees if the district is subject to commissioner action under:

(1) Section 39A.001(1) and:

(A) has a current accreditation status of accredited-warned or accredited-probation;

(B) fails to satisfy any standard under Section 39.054(e); or

(C) fails to satisfy financial accountability standards as determined by commissioner rule; or

(2) Section 39A.001(2).

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 2.11, eff. September 1, 2021.

Sec. 39A.005. REVOCATION OF SCHOOL DISTRICT ACCREDITATION.

(a) This section applies to a school district if the district is subject to commissioner action under Section 39A.001, and for two consecutive school years, including the current school year, the district has:

(1) received an accreditation status of accredited-warned or accredited-probation;

(2) failed to satisfy any standard under Section 39.054(e); or

(3) failed to satisfy financial accountability standards as determined by commissioner rule.

(b) The commissioner may revoke the accreditation of a school district subject to this section and:

(1) order closure of the district and annex the district to one or more adjoining districts under Section 13.054; or

(2) in the case of a home-rule school district or open-enrollment charter school, order closure of all programs operated under the district's or school's charter.
Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.006. BOARD OF MANAGERS FOR SCHOOL DISTRICT MANAGED BY CONSERVATOR OR MANAGEMENT TEAM. (a) This section applies:

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

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

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

(c) The majority of a board of managers appointed under this section must be residents of the school district.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 2.12, eff. September 1, 2021.

Sec. 39A.007. INTERVENTION TO IMPROVE HIGH SCHOOL COMPLETION RATE. (a) This section applies to a school district if the district is subject to commissioner action under Section 39A.001 and the district has failed to satisfy any standard under Section 39.054(e) because of the district's dropout rates.

(b) The commissioner may impose against a school district subject to this section sanctions designed to improve high school completion rates, including:

(1) ordering the development of a dropout prevention plan for approval by the commissioner;

(2) restructuring the district or appropriate school campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Section [29.081](#);

(3) ordering lower student-to-counselor ratios on school campuses with high dropout rates; and

(4) ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 21.001, eff. September 1, 2017.

SUBCHAPTER B. CAMPUS INTERVENTION TEAM; TARGETED IMPROVEMENT PLAN

Sec. 39A.051. ACTIONS BASED ON CAMPUS PERFORMANCE. (a) If the performance of a campus is below any standard under Section [39.054](#)(e), the commissioner shall:

(1) take actions, to the extent the commissioner determines necessary, as provided by this chapter; and

(2) assign a campus intervention team.

(b) For a campus described by Subsection (a), the commissioner, to the extent the commissioner determines necessary, may:

(1) order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board of trustees of the school district, the district superintendent, and the campus principal shall appear and explain the campus's low performance, lack of improvement, and plans for improvement;

(2) establish a school community partnership team composed of members of the campus-level planning and decision-making committee established under Section [11.251](#) and additional community representatives as determined appropriate by the commissioner;

(3) if applicable under Section [39A.064](#), require the school district to comply with all requirements of the strong foundations grant program under Section [29.0881](#) for the campus; or

(4) any combination of the actions described by Subdivisions (1) through (3).

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 910 (H.B. 4545), Sec. 7, eff. June 16, 2021.

Sec. 39A.052. CAMPUS INTERVENTION TEAM MEMBERS. A campus intervention team assigned by the commissioner under Section 39A.051 may include teachers, principals, other educational professionals, and superintendents recognized for excellence in their roles and appointed by the commissioner to serve as members of a team.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.053. ON-SITE NEEDS ASSESSMENT. (a) A campus intervention team shall:

(1) conduct, with the involvement and advice of the school community partnership team, if applicable:

(A) if the commissioner determines necessary, a comprehensive on-site needs assessment, using the procedures provided by Subsection (c); or

(B) a targeted on-site needs assessment relevant to an area of insufficient performance of the campus as provided by Subsection (d); and

(2) recommend appropriate actions as provided by Section 39A.054.

(b) An on-site needs assessment required by Subsection (a) must determine the factors resulting in the campus's low performance and lack of progress, including the contributing education-related factors.

(c) In conducting a comprehensive on-site needs assessment, the campus intervention team shall use each of the following guidelines and procedures:

(1) an assessment of the staff to determine:

(A) the percentage of certified teachers who are teaching in their field;

- (B) the percentage of teachers who are certified;
 - (C) the number of teachers with more than three years of experience; and
 - (D) the rate of teacher retention;
- (2) a determination of compliance with the appropriate class-size rules and the number of class-size waivers received;
 - (3) an assessment of the quality, quantity, and appropriateness of instructional materials, including the availability of technology-based instructional materials;
 - (4) a report on the parental involvement strategies and the effectiveness of the strategies;
 - (5) an assessment of the extent and quality of the mentoring program provided for:
 - (A) new teachers on the campus; and
 - (B) experienced teachers on the campus who have less than two years of teaching experience in the subject or grade level to which the teacher is assigned;
 - (6) an assessment of the type and quality of the professional development provided to the staff;
 - (7) a demographic analysis of the student population, including student demographics, at-risk populations, and special education percentages;
 - (8) a report of disciplinary incidents and school safety information;
 - (9) financial and accounting practices;
 - (10) an assessment of the appropriateness of the curriculum and teaching strategies;
 - (11) a comparison of the findings from Subdivisions (1) through (10) to other campuses serving the same grade levels in the school district or to other campuses in the campus's comparison group if there are no other campuses in the district serving the same grade levels as the campus; and
 - (12) any other research-based data or information obtained from a data collection process that would assist the campus intervention team in:
 - (A) recommending an action under [Section 39A.054](#); and

(B) executing a targeted improvement plan under Section 39A.059.

(d) In conducting a targeted on-site needs assessment, the campus intervention team shall use the appropriate guidelines and procedures described by Subsection (c) relevant to each area of insufficient performance.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.054. CAMPUS INTERVENTION TEAM RECOMMENDATIONS. On completing the on-site needs assessment required under Section 39A.053, the campus intervention team shall, with the involvement and advice of the school community partnership team, if applicable, recommend actions relating to any area of insufficient performance, including:

- (1) reallocation of resources;
- (2) technical assistance;
- (3) changes in school procedures or operations;
- (4) staff development for instructional and administrative staff;
- (5) intervention for individual administrators or teachers;
- (6) waivers from state statutes or rules;
- (7) teacher recruitment or retention strategies and incentives provided by the school district to attract and retain teachers with the characteristics included in Sections 39A.053(c)(1)(A)-(C); or
- (8) other actions the campus intervention team considers appropriate.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.055. TARGETED IMPROVEMENT PLAN. In addition to the campus intervention team duties under Sections 39A.053 and 39A.054 relating to the on-site needs assessment, the campus intervention team shall:

- (1) assist the campus in developing a targeted

improvement plan;

(2) conduct a public meeting at the campus with the campus principal, the members of the campus-level planning and decision-making committee established under Section 11.251, parents of students attending the campus, and community members residing in the school district to review the campus performance rating and solicit input for the development of the targeted improvement plan;

(3) assist the campus in submitting the targeted improvement plan to the board of trustees of the district for approval and presenting the plan in a public hearing as provided by Section 39A.057; and

(4) assist the commissioner in monitoring the progress of the campus in executing the targeted improvement plan.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.056. NOTICE OF PUBLIC MEETING FOR DEVELOPMENT OF TARGETED IMPROVEMENT PLAN. (a) The campus intervention team must:

(1) provide written notice of the public meeting required by Section 39A.055(2) to the parents of students attending the campus; and

(2) post notice of the meeting on the campus's Internet website.

(b) The notice required by this section must include the date, time, and place of the meeting.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.057. HEARING FOR TARGETED IMPROVEMENT PLAN. (a) After a targeted improvement plan or an updated targeted improvement plan is submitted to the board of trustees of the school district, the board shall conduct a hearing to:

(1) notify the public of:
(A) the insufficient performance of the campus;
(B) the improvements in performance expected by the agency; and

(C) the intervention measures or sanctions that may be imposed under this chapter if the performance does not improve within a designated period; and

(2) solicit public comment on the targeted improvement plan or updated targeted improvement plan.

(b) The board of trustees of the school district must post the targeted improvement plan on the district's Internet website before the hearing.

(c) The board of trustees of the school district may conduct one hearing relating to one or more campuses subject to a targeted improvement plan or an updated targeted improvement plan.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.058. SUBMISSION OF TARGETED IMPROVEMENT PLAN TO COMMISSIONER. The board of trustees of the school district shall submit the targeted improvement plan or updated targeted improvement plan to the commissioner for approval. The campus intervention team shall assist the campus in submitting the targeted improvement plan to the commissioner.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.059. EXECUTING TARGETED IMPROVEMENT PLAN. In executing the targeted improvement plan, the campus intervention team shall, if appropriate:

(1) assist the campus in implementing research-based practices for curriculum development and classroom instruction, including bilingual education and special education programs, and financial management;

(2) provide research-based technical assistance, including data analysis, academic deficiency identification, intervention implementation, and budget analysis, to strengthen and improve the instructional programs at the campus; and

(3) require the school district to develop a teacher recruitment and retention plan to address the qualifications and retention of the teachers at the campus.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.060. CAMPUS INTERVENTION TEAM CONTINUING DUTIES. For each year a campus is assigned an unacceptable performance rating, the campus intervention team shall:

(1) assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement; and

(2) submit each updated targeted improvement plan described by Subdivision (1) to the board of trustees of the school district.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 5.026(a), eff. September 1, 2019.

Sec. 39A.061. SATISFACTION OF CERTAIN REQUIREMENTS RELATED TO CAMPUS PLANNING AND SITE-BASED DECISION-MAKING. (a) The commissioner may authorize a school community partnership team established under Section 39A.051 to supersede the authority of and satisfy the requirements of establishing and maintaining a campus-level planning and decision-making committee under Subchapter F, Chapter 11.

(b) The commissioner may authorize a targeted improvement plan, an updated targeted improvement plan, or a local improvement plan to supersede the provisions of and satisfy the requirements of developing, reviewing, and revising a campus improvement plan under Subchapter F, Chapter 11.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 2.13, eff. September 1, 2021.

Sec. 39A.062. SUBMISSION OF CAMPUS IMPROVEMENT PLAN IN

CERTAIN CIRCUMSTANCES. (a) This section applies if the performance of a campus satisfies performance standards under Section 39.054(e) for the current school year but would not satisfy performance standards under Section 39.054(e) if the standards to be used for the following school year were applied to the current school year.

(b) On the request of the commissioner, the campus-level planning and decision-making committee established under Section 11.251 shall revise and submit to the commissioner the portions of the campus improvement plan developed under Section 11.253 that are relevant to those areas for which the campus would not satisfy performance standards. The revised portions of the improvement plan must be submitted in an electronic format.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.063. COMPLIANCE THROUGH INTERVENTION UNDER FEDERAL ACCOUNTABILITY. Notwithstanding the provisions of this chapter, if the commissioner determines that a campus subject to interventions or sanctions under this chapter has implemented substantially similar intervention measures under federal accountability requirements, the commissioner may accept the substantially similar intervention measures as measures in compliance with this chapter.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.064. STRONG FOUNDATIONS INTERVENTION FOR CERTAIN CAMPUSES. (a) Notwithstanding Section 39A.0545(b) or any other law, the commissioner may require a school district or open-enrollment charter school to comply with all requirements of the strong foundations grant program under Section 29.0881 at a campus that:

(1) includes students at any grade level from prekindergarten through fifth grade;

(2) is assigned an overall performance rating of D or F; and

(3) is in the bottom five percent of campuses in the state based on student performance on the grade three reading assessment administered under Section 39.023(a) during the previous school year, as determined by the commissioner.

(b) If funds are appropriated for the purpose, the commissioner shall award a grant under Section 29.0881 to any campus required to implement the requirements of the program under this section.

(c) The commissioner shall adopt rules to determine whether a school district or open-enrollment charter school is complying adequately with the requirements under this section.

Added by Acts 2021, 87th Leg., R.S., Ch. 910 (H.B. 4545), Sec. 8, eff. June 16, 2021.

Sec. 39A.065. LOCAL IMPROVEMENT PLAN. (a) A school district, open-enrollment charter school, district campus, or charter school campus that is assigned a rating of D that qualifies under Section 39.0543(b) shall develop and implement a local improvement plan.

(b) A local improvement plan must be presented to the board of trustees of the school district or governing board of the open-enrollment charter school.

(c) The commissioner shall adopt rules to establish requirements for a local improvement plan components and training. The commissioner may not require a school district or open-enrollment charter school to submit the local improvement plan to the agency.

Added by Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 2.14, eff. September 1, 2021.

SUBCHAPTER C. CAMPUS TURNAROUND PLAN

Sec. 39A.101. ORDER FOR PREPARATION OF CAMPUS TURNAROUND PLAN. (a) If a campus has been identified as unacceptable for two consecutive school years, the commissioner shall order the campus to prepare and submit a campus turnaround plan.

(b) The commissioner shall by rule establish procedures

governing the time and manner in which the campus must submit the campus turnaround plan.

(c) A campus intervention team shall assist the campus in:

- (1) developing an updated targeted improvement plan, including a campus turnaround plan to be implemented by the campus;
- (2) submitting the updated targeted improvement plan to the board of trustees of the school district for approval and presenting the plan in a public hearing as provided by Section [39A.057](#);
- (3) obtaining approval of the updated plan from the commissioner; and
- (4) executing the updated plan on approval by the commissioner.

(d) The updated targeted improvement plan submitted to the board of trustees of a school district under Subsection (c) must include all plans and details that are required to execute the campus turnaround plan without any additional action or approval by the board of trustees.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.102. IMPLEMENTATION OF UPDATED TARGETED IMPROVEMENT PLAN. (a) A campus subject to Section [39A.101](#) shall implement the updated targeted improvement plan as approved by the commissioner.

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

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

- (1) each campus in the district for which a campus turnaround plan has been ordered under Section [39A.101](#) receives an acceptable performance rating for the school year; or
- (2) the commissioner determines a conservator is not necessary.

(c) In making appointments under Subsection (b), the commissioner shall consider individuals who have demonstrated success in managing campuses with student populations similar to the campus at which the individual appointed will serve.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 2.15, eff. September 1, 2021.

Sec. 39A.103. NOTICE OF CAMPUS TURNAROUND PLAN. Before a campus turnaround plan is prepared and submitted for approval to the board of trustees of the school district, the district, in consultation with the campus intervention team, shall:

(1) provide notice to parents, the community, and stakeholders that the campus has received an unacceptable performance rating for two consecutive years and will be required to submit a campus turnaround plan; and

(2) request assistance from parents, the community, and stakeholders in developing the campus turnaround plan.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.104. PREPARATION OF CAMPUS TURNAROUND PLAN.

(a) The school district, in consultation with the campus intervention team, shall prepare the campus turnaround plan and allow parents, the community, and stakeholders an opportunity to review the plan before it is submitted for approval to the board of trustees of the district.

(b) The campus turnaround plan must assist the campus in implementing procedures to satisfy all performance standards required under Section 39.054(e).

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.105. CONTENTS OF CAMPUS TURNAROUND PLAN. (a) A campus turnaround plan must include:

(1) details on the method for restructuring, reforming, or reconstituting the campus;

(2) a detailed description of the academic programs to be offered at the campus, including:

(A) instructional methods;

(B) length of school day and school year;

(C) academic credit and promotion criteria; and

(D) programs to serve special student populations;

(3) if a district charter is to be granted for the campus under Section [12.0522](#):

(A) the term of the charter; and

(B) information on the implementation of the charter;

(4) written comments from:

(A) the campus-level committee established under Section [11.251](#), if applicable;

(B) parents; and

(C) teachers at the campus; and

(5) a detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the school district or other identified sources.

(b) A campus may submit an accelerated campus excellence turnaround plan as provided by this subsection. The plan must provide:

(1) the assignment of a principal to the campus who has demonstrated a history of improvement in student academic growth at campuses in which the principal has previously worked;

(2) that the principal has final authority over personnel decisions at the campus;

(3) that at least 60 percent of the classroom teachers assigned to the campus be teachers who demonstrated instructional effectiveness during the previous school year, with instructional effectiveness determined by:

(A) for a teacher who taught in the district during the previous school year:

(i) the teacher's impact on student growth as determined using a locally developed value-added model that measures student performance on at least one assessment selected by the district; and

(ii) an evaluation of the teacher based on classroom observation; and

(B) for a teacher who did not teach in the district during the previous school year, data and other evidence indicating that if the teacher had taught in the district during the previous school year, the teacher would have performed in the top half of teachers in the district;

(4) a detailed description of the employment and compensation structures for the principal and classroom teachers, which must include:

(A) significant incentives for a high-performing principal or teacher to remain at the campus; and

(B) a three-year commitment by the district to continue incentives for the principal and teachers;

(5) policies and procedures for the implementation of best practices at the campus, including:

(A) data-driven instructional practices;

(B) a system of observation of and feedback for classroom teachers;

(C) positive student culture on the campus;

(D) family and community engagement, including partnerships with parent and community groups;

(E) extended learning opportunities for students, which may include service or workforce learning opportunities; and

(F) providing student services before or after the instructional day that improve student performance, which may include tutoring, extracurricular activities, counseling services, and offering breakfast, lunch, and dinner to all students at the campus; and

(6) assistance by a third-party provider that is approved by the commissioner in the development and implementation of the district's plan.

(c) The commissioner may provide guidance to districts as necessary to implement an accelerated campus excellence turnaround plan under Subsection (b).

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 919 (H.B. 4205), Sec. 1, eff. June 10, 2019.

Sec. 39A.106. DATE CAMPUS TURNAROUND PLAN TAKES EFFECT. A campus turnaround plan must take effect not later than the school year following the third consecutive school year that the campus has received an unacceptable performance rating.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.107. COMMISSIONER APPROVAL OF CAMPUS TURNAROUND PLAN. (a) The commissioner may approve a campus turnaround plan only if the commissioner determines that the campus will satisfy all student performance standards required under Section 39.054(e) not later than the second year the campus receives a performance rating following the implementation of the campus turnaround plan.

(a-1) Not later than June 15 of each year, the commissioner shall, in writing, either approve or reject any campus turnaround plan prepared and submitted to the commissioner by a district. If the commissioner rejects a campus turnaround plan, the commissioner must also send the district an outline of the specific concerns regarding the turnaround plan that resulted in the rejection.

(a-2) If the commissioner rejects a campus turnaround plan, the district must create a modified plan with assistance from agency staff and submit the modified plan to the commissioner for approval not later than the 60th day after the date the commissioner rejects the campus turnaround plan. The commissioner shall notify the district in writing of the commissioner's decision regarding the modified plan not later than the 15th day after the date the commissioner receives the modified plan.

(a-3) Notwithstanding Subsection (a), the commissioner

shall approve a campus turnaround plan that the commissioner determines meets the requirements for an accelerated campus excellence turnaround plan under Section 39A.105(b).

(b) Section 12.0522(b) does not apply to a district charter approved by the commissioner under this subchapter. A district charter approved under this subchapter may be renewed or continue in effect after the campus is no longer subject to an order under Section 39A.101.

(c) If the commissioner does not approve a campus turnaround plan, the commissioner shall order:

- (1) appointment of a board of managers to govern the school district as provided by Section 39A.202;
- (2) alternative management of the campus; or
- (3) closure of the campus.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 5.026(b), eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 919 (H.B. 4205), Sec. 2, eff. June 10, 2019.

Sec. 39A.108. IMPLEMENTATION OF CAMPUS TURNAROUND PLAN. Following approval of a campus turnaround plan by the commissioner, the school district, in consultation with the campus intervention team, may take any actions needed to prepare for the implementation of the plan.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.109. ASSISTANCE AND PARTNERSHIPS ALLOWED. A school district may:

- (1) request that a regional education service center provide assistance in the development and implementation of a campus turnaround plan; or
- (2) partner with an institution of higher education to develop and implement a campus turnaround plan.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.110. MODIFICATION OF CAMPUS TURNAROUND PLAN.

(a) 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, the board of trustees of the school district may:

- (1) implement the campus turnaround plan;
- (2) implement a modified version of the campus turnaround plan; or
- (3) withdraw the campus turnaround plan.

(b) A school district required to implement a campus turnaround plan may modify the plan if the campus receives an acceptable performance rating for two consecutive school years following implementation of the plan.

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

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 2.16, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 2.17, eff. September 1, 2021.

Sec. 39A.111. CONTINUED UNACCEPTABLE PERFORMANCE RATING. If a campus is considered to have an unacceptable performance rating for five consecutive school years, the commissioner, subject to Section 39A.112, shall order:

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

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec.

21.001, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 2.18, eff. September 1, 2021.

Sec. 39A.112. PARENT PETITION FOR ACTION. (a) For purposes of this section, "parent" has the meaning assigned by Section 12.051, and the signature of only one parent of a student is required.

(b) If the commissioner is presented, in the time and manner specified by commissioner rule, with a written petition signed by the parents of a majority of the students enrolled at a campus to which Section 39A.111 applies, specifying an action authorized under that section that the parents request the commissioner to order, the commissioner shall, except as otherwise authorized by this section, order the specific action requested.

(c) If the board of trustees of the school district in which the campus is located presents to the commissioner, in the time and manner specified by commissioner rule, a written request that the commissioner order specific action authorized under Section 39A.111 other than the specific action requested in the parents' petition and a written explanation of the basis for the board's request, the commissioner may order the action requested by the board of trustees.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.113. REPURPOSING OF CLOSED CAMPUS. (a) If the commissioner orders the closure of a campus under this subchapter, that campus may be repurposed to serve students at that campus location only if the commissioner:

(1) finds that the repurposed campus offers a distinctly different academic program and:

(A) serves a majority of grade levels not served at the original campus; or

(B) is operated under a contract, approved by the school district board of trustees, with a nonprofit organization

exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, that:

(i) has a governing board that is independent of the district;

(ii) has a successful history of operating school district campuses or open-enrollment charter schools:

(a) that cumulatively serve 10,000 or more students; and

(b) a majority of which have been assigned an overall performance rating of B or higher under Section [39.054](#) for the preceding school year; and

(iii) has been assigned an overall performance rating of B or higher under Section [39.054](#) for the preceding school year; and

(2) approves a new campus identification number for the repurposed campus.

(a-1) A contract described by Subsection (a)(1)(B) must provide that a student residing in the attendance zone of the campus immediately before the campus was repurposed shall be admitted for enrollment at the repurposed campus.

(b) The majority of students assigned to a campus that has been closed and repurposed under Subsection (a)(1)(A) may not have attended that campus in the previous school year.

(c) Any student assigned to a campus that has been closed must be allowed to transfer to any other campus in the school district that serves that student's grade level and on request must be provided transportation to the other campus.

(d) The commissioner may grant an exemption allowing students assigned to a closed campus to attend the repurposed campus if there is no other campus in the school district at which the students may enroll.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 919 (H.B. [4205](#)), Sec. 3, eff. June 10, 2019.

Sec. 39A.114. TARGETED TECHNICAL ASSISTANCE AUTHORIZED IN CERTAIN CIRCUMSTANCES. If the commissioner determines that the basis for the unacceptable performance of a campus for more than two consecutive school years is limited to a specific condition that may be remedied with targeted technical assistance, the commissioner may require the school district to contract for the appropriate technical assistance.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.115. RULES. The commissioner may adopt rules necessary to implement this subchapter.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

For expiration of this section, see Subsection (f).

Sec. 39A.117. INTERVENTION FOR CERTAIN DISTRICTS OR CAMPUSES. (a) For purposes of this section:

(1) an acceptable performance rating includes:

(A) a rating of met standard, academically acceptable, recognized, exemplary, A, B, or C; or

(B) a rating of D that meets the requirements of Section 39.0543(b);

(2) an unacceptable performance rating includes:

(A) a rating of performance that needs improvement, academically unacceptable, or F; or

(B) a rating of D that meets the requirements of Section 39.0543(c); and

(3) a rating of "Not Rated" is not considered an acceptable or unacceptable performance rating and may not be considered a break in consecutive years of unacceptable performance.

(b) As soon as practicable after the effective date of S.B. 1365, 87th Legislature, Regular Session, 2021, or similar legislation, the commissioner shall:

(1) determine the number of school years of unacceptable performance ratings occurring after the 2012-2013

school year for each school district, open-enrollment charter school, district campus, or charter school campus by determining the number of unacceptable performance ratings assigned to each district, charter school, district campus, or charter school campus since the most recent acceptable performance rating was assigned to the district, charter school, district campus, or charter school campus; and

(2) use the number of school years of unacceptable performance ratings as the base number of consecutive years of unacceptable performance for which the performance rating in the 2021-2022 school year will be added.

(c) Exemptions from interventions authorized under Sections [11.174](#) and [28.020](#) and Section 5, Chapter 919 (H.B. 4205), Acts of the 86th Legislature, Regular Session, 2019, apply to an intervention ordered under this section and the commissioner shall make necessary modifications to an intervention ordered under this section in accordance with those provisions of law.

(d) This section may not be construed to:

(1) provide a school district or open-enrollment charter school additional remedies or appellate or other review for previous interventions, sanctions, or performance ratings ordered or assigned; or

(2) prohibit the commissioner from taking any action or ordering any intervention or sanction otherwise authorized by law.

(e) To the extent of a conflict with any other transition provision affecting this section, this transition provision prevails.

(f) This section expires September 1, 2027.

Added by Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. [1365](#)), Sec. 2.19, eff. September 1, 2021.

Sec. 39A.118. INTERVENTION IF ASSIGNED CERTAIN PERFORMANCE NEEDS IMPROVEMENT RATING. (a) Until another performance rating is issued, the agency may not implement the intervention or sanctions listed under Subsection (b) for a school district, open-enrollment charter school, district campus, or charter school campus, if the

performance rating initiating the action under Subsection (b) is based on the first or second overall performance rating of D, since previously receiving a rating of C or higher.

(a-1) For purposes of this section, a performance rating of D assigned prior to the 2018-2019 school year shall not be considered. This subsection expires September 1, 2027.

(b) The following interventions or sanctions are subject to a pause under Subsection (a):

- (1) revocation of a charter under Section [12.115\(c\)](#);
- (2) annexation under Section [13.054](#);
- (3) change in accreditation status under rules adopted for accreditation under Section [39.052](#); and
- (4) interventions or sanctions under Section [39A.101\(a\)](#), [39A.107\(a\)](#) or (c), or [39A.111](#).

(c) The performance rating identified under Subsection (a):

- (1) may not be included in calculating consecutive school years of unacceptable performance ratings; and
- (2) is not considered a break in consecutive school years of unacceptable performance ratings.

(d) Interventions or sanctions implemented prior to a pause under Subsection (a) shall continue during a school year for which interventions or sanctions listed under Subsection (b) are paused.

(e) This section does not apply to a commissioner action based on performance or reasons not listed as interventions or sanctions under Subsection (b).

(f) For purposes of Subsection (a), a school district, open-enrollment charter school, district campus, or charter school campus that has never previously been assigned an overall performance rating shall be considered to have previously received an overall performance rating of C or higher.

Added by Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. [1365](#)), Sec. 2.19, eff. September 1, 2021.

SUBCHAPTER D. ALTERNATIVE MANAGEMENT

Sec. 39A.151. SOLICITATION OF PROPOSALS FOR ALTERNATIVE MANAGEMENT. (a) If the commissioner orders alternative

management of a campus under Section [39A.107](#), the commissioner shall solicit proposals from qualified nonprofit entities to assume management of the campus or appoint a school district as provided by Subsection (b). The commissioner may solicit proposals from qualified for-profit entities if a nonprofit entity has not responded to the commissioner's request for proposals.

(b) The commissioner may appoint a school district to assume management of the campus if the district:

(1) is not the district in which the campus is located;
and

(2) is located within the boundaries of the same regional education service center as the campus.

(c) If a school district is appointed under Subsection (b), the district shall assume management of the campus in the same manner as a qualified entity or in accordance with commissioner rule.

(d) The commissioner may annually solicit proposals under this section for the alternative management of a campus. The commissioner shall notify a qualified entity that has been approved as a provider under this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.152. QUALIFICATIONS OF MANAGING ENTITY. (a) To qualify for consideration as a managing entity under this subchapter, the entity must submit a proposal that provides information relating to the entity's management and leadership team that will participate in management of the campus under consideration, including information relating to individuals who have:

(1) documented success in whole school interventions that increased the educational and performance levels of students in campuses considered to have an unacceptable performance rating;

(2) a proven record of effectiveness with programs assisting low-performing students;

(3) a proven ability to apply research-based school intervention strategies;

(4) a proven record of financial ability to perform under the management contract; and

(5) any other experience or qualifications the commissioner determines necessary.

(b) In selecting a managing entity under this subchapter, the commissioner shall give preference to a qualified entity that:

(1) meets any qualifications under this section; and

(2) has documented success in educating students from similar demographic groups and with similar educational needs as the students who attend the campus to be operated by the managing entity.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.153. CONTRACT WITH MANAGING ENTITY. (a) If the commissioner has ordered alternative management of a campus, the school district shall execute a contract with an approved provider to serve as a managing entity for the campus. The term of the contract may not exceed five years with an option to renew the contract. The district must execute the contract and relinquish control of the campus before January 1 of the school year.

(b) The management contract must include:

(1) a provision describing the school district's responsibilities in supporting the operation of the campus; and

(2) provisions approved by the commissioner requiring the managing entity to demonstrate improvement in campus performance, including negotiated performance measures.

(c) Performance measures included in a management contract as required by Subsection (b) must be consistent with the priorities of Chapter 39 and this chapter.

(d) The management contract must be approved by the commissioner before the contract is executed. As appropriate, the commissioner may require the school district, as a term of the contract, to support the campus in the same manner as the district was required to support the campus before the execution of the contract.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec.

21.001, eff. September 1, 2017.

Sec. 39A.154. EXTENSION OF MANAGEMENT CONTRACT. The commissioner may require a school district to extend the term of a management contract with a managing entity if the commissioner determines that extending the contract on expiration of the initial term is in the best interest of the students attending the campus. The terms of the contract must be approved by the commissioner. Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.155. EVALUATION OF MANAGING ENTITY. (a) The commissioner shall evaluate a managing entity's performance on the first and second anniversaries of the date of the management contract.

(b) If the evaluation fails to demonstrate improvement as negotiated under the management contract by the first anniversary of the date of the contract, the school district may:

(1) terminate the contract, with the commissioner's consent, for nonperformance or breach of contract; and

(2) select another provider from an approved list provided by the commissioner.

(c) If the evaluation fails to demonstrate significant improvement, as determined by the commissioner, by the second anniversary of the date of the management contract, the school district shall:

(1) terminate the contract; and

(2) select another provider from an approved list provided by the commissioner or resume operation of the campus if approved by the commissioner.

(d) If the commissioner approves the school district's resumed operation of the campus as provided by Subsection (c), the commissioner shall assign a technical assistance team to assist the campus.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.156. CANCELLATION OF MANAGEMENT CONTRACT. If a campus receives an unacceptable performance rating for two consecutive school years after a managing entity assumes management of the campus, the commissioner shall cancel the contract with the managing entity.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.157. RETURN OF MANAGEMENT TO SCHOOL DISTRICT. Subject to Section 39A.111, at the end of a management contract term or on the cancellation of a management contract under Section 39A.156, the board of trustees of the school district shall resume management of the campus.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.158. CONTINUED APPLICABILITY OF ACCOUNTABILITY PROVISIONS. Each campus operated by a managing entity under this subchapter is subject to this chapter and Chapter 39 in the same manner as any other campus in the school district.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.159. FUNDING OF CAMPUS OPERATED BY MANAGING ENTITY. Notwithstanding any other provision of this code, the funding for a campus operated by a managing entity may not be less than the funding of the other campuses in the school district on a per student basis so that the managing entity receives at least the same funding the campus would otherwise have received.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.160. OPEN MEETINGS AND PUBLIC INFORMATION. With respect to the management of a campus by a managing entity:

(1) a managing entity is considered to be a governmental body for purposes of Chapters 551 and 552, Government Code; and

(2) any requirement in Chapter 551 or 552, Government Code, that applies to a school district or the board of trustees of a district applies to a managing entity.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.161. RULES. The commissioner may adopt rules necessary to implement this subchapter.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

SUBCHAPTER E. BOARD OF MANAGERS

Sec. 39A.201. GENERAL POWERS AND DUTIES OF BOARD OF MANAGERS. (a) Notwithstanding Section 11.151(b) or 11.1511(a) or any other provision of this code, a board of managers may exercise all of the powers and duties assigned to a board of trustees of a school district by law, rule, or regulation.

(b) A board of managers appointed by the commissioner under Subchapter C is required to take appropriate actions to resolve the conditions that caused a campus to be subject to an order under Section 39A.101, including amending the school district's budget, reassigning staff, or relocating academic programs. The commissioner may adopt rules necessary to implement this subsection.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 2.20, eff. September 1, 2021.

Sec. 39A.202. BOARD OF MANAGERS OF SCHOOL DISTRICT. (a) Notwithstanding Section 11.151(b) or 11.1511(a) or any other provision of this code, if the commissioner appoints a board of managers to govern a school district:

(1) the powers of the board of trustees of the district are suspended for the period of the appointment; and

(2) the commissioner shall appoint a district superintendent.

(b) Notwithstanding any other provision of this code, a board of managers appointed to govern a school district may amend the budget of the district.

(c) This chapter applies to a school district governed by a board of managers in the same manner that this chapter applies to any other district.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 2.21, eff. September 1, 2021.

Sec. 39A.204. COMPOSITION OF BOARD OF MANAGERS. A board of managers appointed by the commissioner must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.205. TRAINING OF BOARD OF MANAGERS. The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.206. COMPENSATION. (a) The commissioner may authorize payment of a board of managers appointed under Subchapter C from agency funds. The commissioner may adopt rules necessary to implement this subsection.

(b) A conservator or a member of a management team appointed to serve on a board of managers may continue to be compensated as determined by the commissioner.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.207. REPLACEMENT OF MEMBER OF BOARD OF MANAGERS.

The commissioner may at any time replace a member of a board of managers appointed under Subchapter C. The commissioner may adopt rules necessary to implement this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.208. EXPIRATION OF APPOINTMENT. (a) A board of

managers shall, during the period of the appointment, order the election of members of the board of trustees of the school district in accordance with applicable provisions of law. Except as provided by Subsection (b), the members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires.

(b) Except as otherwise provided by Subsection (c), not later than the second anniversary of the date the board of managers of a school district was appointed, the commissioner shall notify the board of managers and the board of trustees of the date on which the appointment of the board of managers will expire. Following each of the last three years of the period of the appointment, one-third of the members of the board of managers shall be replaced by the number of members of the board of trustees of the district who were elected at an election ordered under Subsection (a) that constitutes, as closely as possible, one-third of the membership of the board of trustees.

(c) If, before the second anniversary of the date the board of managers of a school district was appointed, the commissioner determines, after receiving local feedback, that insufficient progress has been made toward improving the academic or financial performance of the district, the commissioner may extend the authority of the board of managers for a period of up to two additional years.

(d) On the expiration of the appointment of the board of managers, the board of trustees assumes all of the powers and duties assigned to a board of trustees by law, rule, or regulation.

(e) Following the expiration of the period of appointment of

a board of managers for a school district, the commissioner shall provide training in effective leadership strategies to the board of trustees of the district.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.209. REMOVAL OF BOARD OF MANAGERS.

(a) Notwithstanding Section 39A.208, the commissioner may remove a board of managers appointed to govern a school district under Subchapter C only if the campus that was the basis for the appointment of the board of managers receives an acceptable performance rating for two consecutive school years.

(b) If a campus that was the basis for the appointment of a board of managers receives an unacceptable performance rating for two additional consecutive years following the appointment of the board of managers, the commissioner may remove the board of managers and, in consultation with the local community, may appoint a new board of managers to govern the school district.

(c) Following the removal of a board of managers under Subsection (a) or (b), or at the request of a managing entity appointed under Section 39A.107 to oversee the implementation of alternative management, the commissioner may appoint a conservator or monitor for the school district to ensure district-level support for low-performing campuses and to oversee the implementation of the updated targeted improvement plan.

(d) The commissioner may adopt rules necessary to implement this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

SUBCHAPTER F. INTERVENTIONS AND SANCTIONS FOR OPEN-ENROLLMENT
CHARTER SCHOOLS

Sec. 39A.251. APPLICABILITY OF INTERVENTIONS AND SANCTIONS TO OPEN-ENROLLMENT CHARTER SCHOOL. Interventions and sanctions authorized under this chapter for a school district or campus apply in the same manner to an open-enrollment charter school.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.252. RULES. (a) The commissioner shall adopt rules to implement procedures to impose intervention or sanction provisions under this chapter as those provisions relate to an open-enrollment charter school.

(b) In adopting rules under this section, the commissioner shall require that the charter of an open-enrollment charter school be automatically:

(1) revoked if the charter school is ordered closed under this chapter; or

(2) modified to remove authorization for an individual campus if the campus is ordered closed under this chapter.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.253. HEARING NOT REQUIRED. If interventions or sanctions are imposed on an open-enrollment charter school under the procedures provided by this chapter, the school is not entitled to an additional hearing relating to the modification, placement on probation, revocation, or denial of renewal of a charter as provided by Subchapter D, Chapter 12.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.254. CAMPUS IMPROVEMENT PLAN FOR OPEN-ENROLLMENT CHARTER SCHOOL. (a) This section applies to an open-enrollment charter school campus that satisfies performance standards under Section 39.054(e) for the current school year but would not satisfy performance standards under Section 39.054(e) if the standards to be used for the following school year were applied to the current school year.

(b) If this section applies to a campus, the campus shall:

(1) establish a campus-level planning and decision-making committee as provided by Sections 11.251(b)-(e), to the extent practicable; and

(2) develop a campus improvement plan as provided by Section [11.253](#).

(c) On the request of the commissioner, the campus shall submit to the commissioner the portions of the campus improvement plan that are relevant to those areas for which the campus would not satisfy performance standards. The portions of the improvement plan must be submitted in an electronic format.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.255. CAMPUS TURNAROUND PLAN FOR OPEN-ENROLLMENT CHARTER SCHOOL. (a) The commissioner shall adopt rules governing the procedures for an open-enrollment charter school campus that is subject to an order issued under Section [39A.101](#). The commissioner may adopt other rules necessary to implement this section.

(b) The campus turnaround plan of an open-enrollment charter school must include a revision of the school's charter in accordance with Section [12.114](#).

(c) Nothing in this section or the following provisions of this chapter may be construed to modify any provision of Subchapter [D](#), Chapter [12](#), relating to the expiration, nonrenewal, revocation, or modification of the governance of an open-enrollment charter school:

- (1) Subchapter C;
- (2) Subchapter D;
- (3) Section [39A.201](#)(b);
- (4) Section [39A.206](#)(a);
- (5) Section [39A.207](#); and
- (6) Section [39A.209](#).

(d) The governing board of the open-enrollment charter school shall perform the duties of a board of trustees of a school district under this chapter.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.256. APPOINTMENT OF BOARD OF MANAGERS FOR OPEN-ENROLLMENT CHARTER SCHOOL. (a) A board of managers appointed

for 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, and 39A.206(b).

(b) Except as otherwise provided by this subsection, the board of managers for 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.

(c) A board of managers appointed for the final closure of a former open-enrollment charter school under Subsection (b) has the authority to:

(1) access and manage any former charter holder's bank account that contains funds received under Section 12.106; and

(2) subject to approval by a creditor with a security interest in or lien on property described by Section 12.128 and in accordance with Sections 12.1281 and 12.1282, sell or transfer to another charter holder or school district any property titled to the former charter holder that is identified in the former open-enrollment charter school's annual financial report filed under Section 44.008 as being acquired, wholly or partly, with funds received under Section 12.106.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 631 (S.B. 1454), Sec. 10, eff. June 10, 2019.

Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 4.09, eff. September 1, 2021.

Sec. 39A.257. SUPERINTENDENT FOR OPEN-ENROLLMENT CHARTER SCHOOL. If the commissioner appoints a board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school, the commissioner may also appoint a superintendent. Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.258. REMOVAL BY COMMISSIONER. Any person appointed to serve on the board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school or as superintendent serves at the discretion of the commissioner and may be replaced by the commissioner at any time.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.259. COMPENSATION OF BOARD OF MANAGERS AND SUPERINTENDENT. (a) The commissioner may authorize compensation for a member of a board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school or a superintendent appointed by the commissioner.

(b) The commissioner shall establish the terms of compensation provided under Subsection (a).

(c) The agency shall use funds received by or due to the former charter holder under Section 12.106 or funds returned to the state from liquidation of property described by Section 12.128 and held by a former charter holder for compensation of a member of a board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school or a superintendent.

(d) If funds described by Subsection (c) are not available or the commissioner determines that the circumstances require, the commissioner may use available agency funds, provided that the use of the available funds for that purpose is not prohibited by other law.

(e) To the extent this section conflicts with Section 39A.206(a), this section prevails.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 631 (S.B. 1454), Sec. 11, eff. June 10, 2019.

Sec. 39A.260. IMMUNITY; REPRESENTATION BY ATTORNEY GENERAL. Any person appointed by the commissioner to serve on the

board of managers for an open-enrollment charter school or a campus of an open-enrollment charter school or as superintendent acts on behalf of the commissioner and is entitled to:

(1) sovereign immunity; and

(2) representation by the attorney general for any act or omission taken while acting in the person's official capacity.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

SUBCHAPTER G. CHALLENGE OF INTERVENTION OR SANCTION

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 charter school intends to challenge a decision by the commissioner under this chapter to:

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

(2) pursue alternative management of a district campus or the charter school;

(3) appoint a board of managers to the district or charter school; or

(4) appoint a conservator or management team to the district or charter school.

(b) A challenge to a decision under this section is under the substantial evidence rule as provided by Subchapter G, Chapter 2001, Government Code. The commissioner shall adopt procedural rules for a challenge under this section.

(c) Notwithstanding other law:

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

(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;

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

(4) the decision of the administrative law judge may

set an effective date for an action under this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 2.22, eff. September 1, 2021.

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 39A.901. ANNUAL REVIEW. (a) The commissioner shall annually review the performance of a school district or campus subject to this chapter to determine the appropriate actions to be implemented under this chapter.

(b) The commissioner must review at least annually the performance of a school district for which the accreditation status or performance rating has been lowered due to insufficient student performance and may not raise the accreditation status or performance rating until the district has demonstrated improved student performance.

(c) If the review conducted under this section reveals a lack of improvement, the commissioner shall increase the level of state intervention and sanction unless the commissioner finds good cause for maintaining the current status.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.902. ACQUISITION OF PROFESSIONAL SERVICES. In addition to other interventions and sanctions authorized under this chapter, the commissioner may order a school district or campus to acquire professional services at the expense of the district or campus to address the applicable financial, assessment, data quality, program, performance, or governance deficiency. The commissioner's order may require the district or campus to:

(1) select or be assigned an external auditor, data quality expert, professional authorized to monitor district assessment instrument administration, or curriculum or program expert; or

(2) provide for or participate in the appropriate training of district staff or board of trustees members in the case of a district, or campus staff, in the case of a campus.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.903. COSTS PAID BY SCHOOL DISTRICT. The costs of providing a monitor, conservator, management team, campus intervention team, technical assistance team, managing entity, or service provider under this chapter shall be paid by the school district. If the district fails or refuses to pay the costs in a timely manner, the commissioner may:

(1) pay the costs using amounts withheld from any funds to which the district is otherwise entitled; or

(2) recover the amount of the costs in the manner provided for recovery of an overallocation of state funds under Section 48.272.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. 3), Sec. 3.047, eff. September 1, 2019.

Sec. 39A.904. IMMUNITY FROM CIVIL LIABILITY. An employee, volunteer, or contractor acting on behalf of the commissioner under this chapter, or a member of a board of managers appointed by the commissioner under this chapter, is immune from civil liability to the same extent as a professional employee of a school district under Section 22.051.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 21.001, eff. September 1, 2017.

Sec. 39A.905. CAMPUS NAME CHANGE PROHIBITED. In reconstituting, repurposing, or imposing any other intervention or sanction on a campus under this chapter, the commissioner may not require that the name of the campus be changed.

Added by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec.

21.001, eff. September 1, 2017.

Sec. 39A.906. COMMISSIONER AUTHORITY. A decision by the commissioner under Chapter 39 or this chapter is final and may not be appealed unless an applicable provision of Chapter 39 or this chapter provides otherwise.

Added by Acts 2019, 86th Leg., R.S., Ch. 919 (H.B. 4205), Sec. 4, eff. June 10, 2019.

Transferred, redesignated and amended from Education Code, Section 39A.116 by Acts 2021, 87th Leg., R.S., Ch. 1046 (S.B. 1365), Sec. 2.23, eff. September 1, 2021.

Sec. 39A.907. ASSESSMENT INSTRUMENT STUDY. (a) The commissioner shall enter into a memorandum of understanding with a public institution of higher education to conduct a study to determine whether, for each applicable grade level, each assessment instrument administered under Section 39.023(a) during the 2018-2019 school year or scheduled to be administered during the 2019-2020 school year:

(1) is written at the appropriate reading level for students in that grade level; and

(2) includes only:

(A) passages, questions, answers, and other content aligned with the essential knowledge and skills adopted by the State Board of Education for the applicable subject for the grade level at which the assessment instrument is administered or for any previous grade level; and

(B) passages written at a reading level not higher than the grade level at which the assessment instrument is administered.

(b) Not later than December 1, 2019, the commissioner shall submit a report to the legislature and the presiding officer of each legislative standing committee with jurisdiction over primary and secondary education that includes the results of the study.

Added by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. 3), Sec. 2.036, eff. June 12, 2019.