By: Dominguez   H.B. No. 141

A BILL TO BE ENTITLED

1   AN ACT

2 relating to the methods by which students may be admitted to public

3 schools or transfer within a school district and the disclosure of

4 information regarding public school admission methods.

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

6   SECTION 1. The heading to Section 12.117, Education Code,

7 is amended to read as follows:

8   Sec. 12.117. ADMISSION AND ENROLLMENT.

9   SECTION 2. Section 12.117, Education Code, is amended by

10 amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3),

11 and (b-1) to read as follows:

12   (a) For admission and enrollment to an open-enrollment

13 charter school, the governing body of the school shall:

14   (1) require the applicant to complete and submit the

15 common admission application form described by Section 12.1173 not

16 later than a reasonable deadline the school establishes; and

17   (2) on receipt of more acceptable applications for

18 admission under this section than available positions in a grade

19 level or campus [the school]:

20   (A) fill the available positions by lottery; or

21   (B) subject to Subsection (b), fill the available

22 positions in the order in which applications received before the

23 application deadline were received.

24   (a-1) An open-enrollment charter school that fills

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1 available positions by lottery under Subsection (a)(2)(A) may use a

2 weighted lottery that assigns weights to applicants so that an

3 applicant's probability of admission increases if the applicant

4 satisfies criteria selected by the school. The school may increase

5 an applicant's probability of admission if the applicant is:

6   (1) eligible to participate in a special education

7 program under Section 29.003; or

8   (2) an emergent bilingual student, as defined by

9 Section 29.052.

10   (a-2) The commissioner shall adopt rules regarding the

11 implementation of a weighted lottery under Subsection (a-1),

12 including rules that:

13   (1) establish the information an open-enrollment

14 charter school may request an applicant to provide that is limited

15 in scope to only the information necessary for the school to

16 implement the lottery; and

17   (2) ensure compliance with:

18   (A) federal law regarding the confidentiality of

19 student medical or educational information, including the Health

20 Insurance Portability and Accountability Act of 1996 (42 U.S.C.

21 Section 1320d et seq.) and the Family Educational Rights and

22 Privacy Act of 1974 (20 U.S.C. Section 1232g); and

23   (B) any state law relating to the privacy of

24 student information.

25   (a-3) An open-enrollment charter school that uses a

26 weighted lottery under Subsection (a-1) shall:

27   (1) include in the school's admission and enrollment

1 policy the information requested under Subsection (a-2)(1) that the

2 school uses for the lottery;

3 (2) provide notice of the information requested of an

4 applicant under Subsection (a-2)(1) only if the school receives

5 more acceptable applications for admission than available

6 positions in the school;

7 (3) clearly mark all information requested under

8 Subdivision (2) as optional; and

9 (4) use any information provided by an applicant under

10 Subdivision (2) only to determine if the applicant's probability of

11 admission will increase in accordance with Subsection (a-1).

12 (b-1) An open-enrollment charter school shall make publicly

13 available and post in a prominent and appropriate location on the

14 school's public Internet website, if the school maintains a public

15 Internet website, notice of the school's admission and enrollment

16 policy, including:

17 (1) the method by which the school fills available

18 positions in the school, including whether the school uses:

19 (A) a lottery; or

20 (B) a weighted lottery; and

21 (2) if the school fills available positions by

22 weighted lottery under Subsection (a-1), the weights assigned to

23 applicants under that subsection.

24 SECTION 3. Section 25.001, Education Code, is amended by

25 adding Subsections (k) and (l) to read as follows:

26 (k) If a school district elects to admit students not

27 described by Subsection (b) into the district's schools by lottery,

1 the district may use a weighted lottery that assigns weights to

2 applicants so that an applicant's probability of admission

3 increases if the applicant satisfies criteria selected by the

4 district. The district may increase an applicant's probability of

5 admission if the applicant is:

6   (1) eligible to participate in a special education

7 program under Section 29.003; or

8   (2) an emergent bilingual student, as defined by

9 Section 29.052.

10   (l) If a school district elects to admit students not

11 described by Subsection (b) into the district's schools, the

12 district shall make publicly available and post in a prominent and

13 appropriate location on the district's public Internet website, if

14 the district maintains a public Internet website, notice of:

15   (1) the method by which the district admits those

16 students; and

17   (2) if the district uses a weighted lottery to admit

18 those students under Subsection (k), the weights assigned to

19 applicants for the lottery.

20   SECTION 4. Subchapter B, Chapter 25, Education Code, is

21 amended by adding Section 25.0311 to read as follows:

22   Sec. 25.0311. TRANSFER WITHIN DISTRICT BY LOTTERY. If the

23 board of trustees of a school district elects to allow a student

24 enrolled in the district to transfer from the student's assigned

25 campus to another campus in the district by lottery, the board may

26 use a weighted lottery that assigns weights to applicants so that an

27 applicant's probability of receiving the transfer increases if the

1 applicant is:

2   (1) eligible to participate in the school's special

3 education program under Section 29.003; or

4   (2) an emergent bilingual student, as defined by

5 Section 29.052.

6   SECTION 5. This Act applies beginning with the 2022-2023

7 school year.

8   SECTION 6. This Act takes effect on the 91st day after the

9 last day of the legislative session.