

By: Bailes, Allen, Ashby, Hinojosa,
VanDeaver

H.B. No. 2621

Substitute the following for H.B. No. 2621:

By: Bell of Kaufman

C.S.H.B. No. 2621

A BILL TO BE ENTITLED

AN ACT

relating to open-enrollment charter school admission procedures
and reporting requirements for certain admission information.

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

SECTION 1. Section 12.117(a), Education Code, is amended to
read as follows:

(a) For admission to an open-enrollment charter school, the
governing body of the school shall:

(1) require the applicant to complete and submit the
common admission [an] application form described by Section 12.1173
not later than a reasonable deadline the school establishes; and

(2) on receipt of more acceptable applications for
admission under this section than available positions in the
school:

(A) fill the available positions by lottery; or

(B) subject to Subsection (b), fill the available
positions in the order in which applications received before the
application deadline were received.

SECTION 2. Section 12.1171, Education Code, is amended to
read as follows:

Sec. 12.1171. ADMISSION TO OPEN-ENROLLMENT CHARTER SCHOOLS
SPECIALIZING IN PERFORMING ARTS. Notwithstanding Section 12.117,
the governing body of an open-enrollment charter school that
specializes in one or more performing arts may require an applicant

1 to audition for admission to the school in addition to completing
2 and submitting the common admission application form under Section
3 12.1173.

4 SECTION 3. Subchapter D, Chapter 12, Education Code, is
5 amended by adding Sections 12.1173 and 12.1174 to read as follows:

6 Sec. 12.1173. COMMON ADMISSION APPLICATION FORM; WAITING
7 LIST FOR ADMISSION. (a) The commissioner by rule shall adopt a
8 common admission application form for use by an applicant for
9 admission to an open-enrollment charter school that provides for
10 the submission of information that the commissioner considers
11 appropriate.

12 (b) The form adopted under this section may not:

13 (1) advertise or otherwise promote any person or
14 open-enrollment charter school; or

15 (2) solicit money, goods, or services from an
16 applicant.

17 (c) The commissioner shall publicize the availability of
18 the form adopted under this section, including by posting the form
19 on the agency's Internet website.

20 (d) The commissioner by rule shall adopt guidelines for an
21 open-enrollment charter school that receives more acceptable
22 applications for admission than available positions at the school
23 to create and manage a waiting list each school year for applicants
24 who are not admitted.

25 (e) The commissioner shall adopt any other rules as
26 necessary to implement this section, including rules to ensure this
27 section complies with federal law regarding confidentiality of

1 student medical or educational information, including the Health
2 Insurance Portability and Accountability Act of 1996 (42 U.S.C.
3 Section 1320d et seq.) and the Family Educational Rights and
4 Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law
5 relating to the privacy of student information.

6 Sec. 12.1174. ENROLLMENT AND WAITING LIST REPORT. (a) Not
7 later than the last Friday in October of each school year, in the
8 form prescribed by commissioner rule, the governing body of a
9 charter holder shall report to the agency for that school year:

10 (1) the following information for each campus
11 operating under the charter holder's charter:

12 (A) the number of students enrolled;

13 (B) the enrollment capacity; and

14 (C) if a charter holder uses a waiting list for
15 admission to a campus:

16 (i) the total number of students on the
17 waiting list; and

18 (ii) the number of students on the waiting
19 list disaggregated by grade level;

20 (2) the information described by Subdivision (1)
21 aggregated for all campuses operating under the charter holder's
22 charter; and

23 (3) any information required by the commissioner as
24 necessary to identify each student admitted to or on a waiting list
25 for admission to a campus operating under the charter holder's
26 charter who is or was previously enrolled in a public school in this
27 state.

1 (b) From information provided to the commissioner by each
2 charter holder under this subchapter, the commissioner shall
3 identify each group of charter holders considered by the
4 commissioner to be corporate affiliates or substantially related
5 charter holders. Using the information reported under Subsections
6 (a)(1) and (2), the agency shall aggregate the information for each
7 group of charter holders identified by the commissioner under this
8 subsection.

9 (c) Not later than March 15 of each year, the commissioner
10 shall post on the agency's Internet website:

11 (1) the information reported by charter holders under
12 Subsections (a)(1) and (2); and

13 (2) the information aggregated by the agency under
14 Subsection (b).

15 (d) The commissioner shall adopt rules as necessary to
16 implement this section, including rules to ensure this section
17 complies with federal law regarding confidentiality of student
18 educational information, including the Family Educational Rights
19 and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law
20 relating to the privacy of student information.

21 SECTION 4. Not later than January 1, 2020, the commissioner
22 of education shall adopt a common admission application form,
23 waiting list guidelines, and any other rules as necessary to
24 implement Sections 12.1173 and 12.1174, Education Code, as added by
25 this Act.

26 SECTION 5. Sections 12.117 and 12.1171, Education Code, as
27 amended by this Act, and Section 12.1174, Education Code, as added

1 by this Act, apply beginning with the 2020-2021 school year.

2 SECTION 6. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2019.