

Amend CSHB 2391 (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. The heading to Section 12.117, Education Code, is amended to read as follows:

Sec. 12.117. ADMISSION AND ENROLLMENT.

SECTION 2. Section 12.117, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), and (b-1) to read as follows:

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

(1) require the applicant to complete and submit the common admission 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 a grade level or campus [~~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.

(a-1) An open-enrollment charter school that fills available positions by lottery under Subsection (a)(2)(A) may use a weighted lottery that assigns weights to applicants so that an applicant's probability of admission increases if the applicant satisfies criteria selected by the school. The school may increase an applicant's probability of admission if the applicant is:

(1) eligible to participate in a special education program under Section 29.003; or

(2) a student of limited English proficiency, as defined by Section 29.052.

(a-2) The commissioner shall adopt rules regarding the implementation of a weighted lottery under Subsection (a-1), including rules that:

(1) establish the information an open-enrollment charter school may request an applicant to provide that is limited in scope to only the information necessary for the school to implement the lottery; and

(2) ensure compliance with:

(A) federal law regarding the confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g); and

(B) any state law relating to the privacy of student information.

(a-3) An open-enrollment charter school that uses a weighted lottery under Subsection (a-1) shall:

(1) include in the school's admission and enrollment policy the information requested under Subsection (a-2)(1) that the school uses for the lottery;

(2) provide notice of the information requested of an applicant under Subsection (a-2)(1) only if the school receives more acceptable applications for admission than available positions in the school;

(3) clearly mark all information requested under Subdivision (2) as optional; and

(4) use any information provided by an applicant under Subdivision (2) only to determine if the applicant's probability of admission will increase in accordance with Subsection (a-1).

(b-1) An open-enrollment charter school shall make publicly available and post in a prominent and appropriate location on the school's public Internet website, if the school maintains a public Internet website, notice of the school's admission and enrollment policy, including:

(1) the method by which the school fills available positions in the school, including whether the school uses:

(A) a lottery; or

(B) a weighted lottery; and

(2) if the school fills available positions by weighted lottery under Subsection (a-1), the weights assigned to applicants under that subsection.

SECTION 3. Section 25.001, Education Code, is amended by adding Subsections (k) and (l) to read as follows:

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

described by Subsection (b) into the district's schools by lottery, the district may use a weighted lottery that assigns weights to applicants so that an applicant's probability of admission increases if the applicant satisfies criteria selected by the district. The district may increase an applicant's probability of admission if the applicant is:

(1) eligible to participate in a special education program under Section 29.003; or

(2) a student of limited English proficiency, as defined by Section 29.052.

(1) If a school district elects to admit students not described by Subsection (b) into the district's schools, the district shall make publicly available and post in a prominent and appropriate location on the district's public Internet website, if the district maintains a public Internet website, notice of:

(1) the method by which the district admits those students; and

(2) if the district uses a weighted lottery to admit those students under Subsection (k), the weights assigned to applicants for the lottery.

SECTION 4. Subchapter B, Chapter 25, Education Code, is amended by adding Section 25.0311 to read as follows:

Sec. 25.0311. TRANSFER WITHIN DISTRICT BY LOTTERY. If the board of trustees of a school district elects to allow a student enrolled in the district to transfer from the student's assigned campus to another campus in the district by lottery, the board may use a weighted lottery that assigns weights to applicants so that an applicant's probability of receiving the transfer increases if the applicant is:

(1) eligible to participate in the school's special education program under Section 29.003; or

(2) a student of limited English proficiency, as defined by Section 29.052.

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

SECTION 6. This Act takes effect September 1, 2021.