

BILL ANALYSIS

C.S.H.B. 2391
By: Dominguez
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Public school districts are permitted to create special admissions processes for magnet programs and charter schools are required by federal and state law to conduct blind lotteries to admit students when the number of students who apply to the district or charter school exceeds the number of available seats. Federal law allows charter schools to use weighted lotteries instead of blind lotteries to give students from historically disadvantaged backgrounds an advantage in admissions lotteries. C.S.H.B. 2391 seeks to permit charter schools to use weighted lotteries and to provide transparency in the processes used by school districts and charter schools to admit certain students.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2391 amends the Education Code to authorize an open-enrollment charter school that fills available positions by lottery to use a weighted lottery that assigns weights to applicants so that an applicant's probability of admission increases if the applicant is:

- eligible to participate in the school's special education program;
- a student of limited English proficiency; or
- a student at risk of dropping out of school.

The bill requires the charter school to post in a prominent and appropriate location on the school's public website notice of the method by which the school fills available positions in the school, including whether the school uses a lottery or weighted lottery, and if the school fills available positions by weighted lottery under the bill's provisions, the weights assigned to the applicants. These provisions of the bill apply beginning with admissions for the 2022-2023 school year.

C.S.H.B. 2391 includes the information necessary for a charter school to implement the weighted lottery under the bill's provisions in the information submitted on a common application form for admission to a charter school that the commissioner of education adopts by rule.

C.S.H.B. 2391 requires a public school district that elects to admit certain students into the district's schools to post in a prominent and appropriate location on the district's public website notice of the following:

- the method by which the district admits those students; and
- if the district uses a weighted lottery to admit the students, the weights assigned to applicants for the lottery, including the weights assigned to an applicant who is:
 - eligible to participate in a school's special education program;
 - a student of limited English proficiency; or
 - a student at risk of dropping out of school.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2391 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include authorizations which were included in the original for a school district or board of trustees of a school district to use a weighted lottery to admit certain students or transfer certain students from one district campus to another, respectively.

The substitute changes from an educationally disadvantaged student, as in the original, to a student at risk of dropping out a student eligible for the charter school's weighted lottery.

The substitute includes requirements which were not included in the original for a charter school or school district, as applicable, to post information relating to lotteries for admission on an applicable website.

The substitute's provisions authorizing a charter school to use a weighted lottery apply beginning with admissions for the 2022-2023 school year whereas the original's provisions applied beginning with the 2021-2022 school year.

The substitute changes the original's effective date from on passage or September 1, 2021, if the bill does not receive the necessary vote for immediate effect to September 1, 2021.