

By: Dominguez, Huberty, Buckley

H.B. No. 2391

A BILL TO BE ENTITLED

AN ACT

relating to the methods by which students may be admitted to public schools or transfer within a school district and the disclosure of information regarding public school admission methods.

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

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

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

10 (1) 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) a student of limited English proficiency, as
5 defined by Section 29.052.

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

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