

1-1 By: Dominguez, Buckley, Huberty H.B. No. 2391  
 1-2 (Senate Sponsor - Paxton)  
 1-3 (In the Senate - Received from the House May 17, 2021;  
 1-4 May 18, 2021, read first time and referred to Committee on  
 1-5 Education; May 24, 2021, reported adversely, with favorable  
 1-6 Committee Substitute by the following vote: Yeas 9, Nays 0;  
 1-7 May 24, 2021, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9 Taylor	X			
1-10 Lucio			X	
1-11 Bettencourt	X			
1-12 Hall	X			
1-13 Hughes	X			
1-14 Menéndez	X			
1-15 Paxton	X			
1-16 Perry	X			
1-17 Powell	X			
1-18 Schwertner	X			
1-19 West			X	

1-21 COMMITTEE SUBSTITUTE FOR H.B. No. 2391 By: Paxton

1-22 A BILL TO BE ENTITLED  
 1-23 AN ACT

1-24 relating to the methods by which students may be admitted to public  
 1-25 schools or transfer within a school district and the disclosure of  
 1-26 information regarding public school admission methods.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. The heading to Section 12.117, Education Code,  
 1-29 is amended to read as follows:

1-30 Sec. 12.117. ADMISSION AND ENROLLMENT.

1-31 SECTION 2. Section 12.117, Education Code, is amended by  
 1-32 amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3),  
 1-33 and (b-1) to read as follows:

1-34 (a) For admission and enrollment to an open-enrollment  
 1-35 charter school, the governing body of the school shall:

1-36 (1) require the applicant to complete and submit the  
 1-37 common admission application form described by Section 12.1173 not  
 1-38 later than a reasonable deadline the school establishes; and

1-39 (2) on receipt of more acceptable applications for  
 1-40 admission under this section than available positions in a grade  
 1-41 level or campus [~~the school~~]:

1-42 (A) fill the available positions by lottery; or

1-43 (B) subject to Subsection (b), fill the available  
 1-44 positions in the order in which applications received before the  
 1-45 application deadline were received.

1-46 (a-1) An open-enrollment charter school that fills  
 1-47 available positions by lottery under Subsection (a)(2)(A) may use a  
 1-48 weighted lottery that assigns weights to applicants so that an  
 1-49 applicant's probability of admission increases if the applicant  
 1-50 satisfies criteria selected by the school. The school may increase  
 1-51 an applicant's probability of admission if the applicant is:

1-52 (1) eligible to participate in a special education  
 1-53 program under Section 29.003;

1-54 (2) a student of limited English proficiency, as  
 1-55 defined by Section 29.052; or

1-56 (3) educationally disadvantaged.

1-57 (a-2) The commissioner shall adopt rules regarding the  
 1-58 implementation of a weighted lottery under Subsection (a-1),  
 1-59 including rules that:

1-60 (1) establish the information an open-enrollment

2-1 charter school may request an applicant to provide that is limited  
2-2 in scope to only the information necessary for the school to  
2-3 implement the lottery; and

2-4 (2) ensure compliance with:  
2-5 (A) federal law regarding the confidentiality of  
2-6 student medical or educational information, including the Health  
2-7 Insurance Portability and Accountability Act of 1996 (42 U.S.C.  
2-8 Section 1320d et seq.) and the Family Educational Rights and  
2-9 Privacy Act of 1974 (20 U.S.C. Section 1232g); and

2-10 (B) any state law relating to the privacy of  
2-11 student information.

2-12 (a-3) An open-enrollment charter school that uses a  
2-13 weighted lottery under Subsection (a-1) shall:

2-14 (1) include in the school's admission and enrollment  
2-15 policy the information requested under Subsection (a-2)(1) that the  
2-16 school uses for the lottery;

2-17 (2) provide notice of the information requested of an  
2-18 applicant under Subsection (a-2)(1) only if the school receives  
2-19 more acceptable applications for admission than available  
2-20 positions in the school;

2-21 (3) clearly mark all information requested under  
2-22 Subdivision (2) as optional; and

2-23 (4) use any information provided by an applicant under  
2-24 Subdivision (2) only to determine if the applicant's probability of  
2-25 admission will increase in accordance with Subsection (a-1).

2-26 (b-1) An open-enrollment charter school shall make publicly  
2-27 available and post in a prominent and appropriate location on the  
2-28 school's public Internet website, if the school maintains a public  
2-29 Internet website, notice of the school's admission and enrollment  
2-30 policy, including:

2-31 (1) the method by which the school fills available  
2-32 positions in the school, including whether the school uses:

2-33 (A) a lottery; or  
2-34 (B) a weighted lottery; and

2-35 (2) if the school fills available positions by  
2-36 weighted lottery under Subsection (a-1), the weights assigned to  
2-37 applicants under that subsection.

2-38 SECTION 3. Section 25.001, Education Code, is amended by  
2-39 adding Subsections (k) and (l) to read as follows:

2-40 (k) If a school district elects to admit students not  
2-41 described by Subsection (b) into the district's schools by lottery,  
2-42 the district may use a weighted lottery that assigns weights to  
2-43 applicants so that an applicant's probability of admission  
2-44 increases if the applicant satisfies criteria selected by the  
2-45 district. The district may increase an applicant's probability of  
2-46 admission if the applicant is:

2-47 (1) eligible to participate in a special education  
2-48 program under Section 29.003; or

2-49 (2) a student of limited English proficiency, as  
2-50 defined by Section 29.052.

2-51 (l) If a school district elects to admit students not  
2-52 described by Subsection (b) into the district's schools, the  
2-53 district shall make publicly available and post in a prominent and  
2-54 appropriate location on the district's public Internet website, if  
2-55 the district maintains a public Internet website, notice of:

2-56 (1) the method by which the district admits those  
2-57 students; and

2-58 (2) if the district uses a weighted lottery to admit  
2-59 those students under Subsection (k), the weights assigned to  
2-60 applicants for the lottery.

2-61 SECTION 4. Subchapter B, Chapter 25, Education Code, is  
2-62 amended by adding Section 25.0311 to read as follows:

2-63 Sec. 25.0311. TRANSFER WITHIN DISTRICT BY LOTTERY. If the  
2-64 board of trustees of a school district elects to allow a student  
2-65 enrolled in the district to transfer from the student's assigned  
2-66 campus to another campus in the district by lottery, the board may  
2-67 use a weighted lottery that assigns weights to applicants so that an  
2-68 applicant's probability of receiving the transfer increases if the  
2-69 applicant is:

