

- SUBJECT:** Using weighted lotteries in public schools admissions processes
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 11 ayes — Dutton, Allen, Allison, K. Bell, Bernal, Buckley, M. González, K. King, Meza, Talarico, VanDeaver
- 1 nay — Huberty
- 1 absent — Lozano
- WITNESSES:** For — Asia Klekowicz, The Gathering Place; (*Registered, but did not testify*: Aaron Gregg, Texas Association of the Deaf; Justin Yancy, Texas Business Leadership Council; Starlee Coleman, Texas Public Charter Schools Association; Knox Kimberly, Upbring)
- Against — (*Registered, but did not testify*: Grover Campbell, Texas Association of School Boards; Barry Haenisch, Texas Association of Community Schools; Mark Terry, Texas Elementary Principals and Supervisors Association)
- On — Ellen Williams, Texas Association of School Administrators and Texas Association of School Boards; (*Registered, but did not testify*: Eric Marin and Heather Mauze, Texas Education Agency)
- BACKGROUND:** Education Code sec. 12.117 governs admission into open-enrollment charter schools. If a school receives more acceptable applications than available positions, the governing body of the school has to fill the positions by lottery or, if a specific notice was published, fill the positions in the order in which applications were received.
- Sec. 25.001(b) establishes the criteria under which the board of trustees of a school district must admit certain persons into the district's public schools free of tuition.
- Some have noted that 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.

DIGEST:

CSHB 2391 would allow an open-enrollment charter school that filled available positions by lottery to use a weighted lottery so that an applicant's probability of admission increased if the applicant was:

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

An open-enrollment charter school would have to post in a prominent location on its website notice of the method by which the school filled available positions and, if the school used a weighted lottery, the weight assigned to applicants.

The common admission form for use by open-enrollment charter school applicants would have to provide for the submission of information necessary for a school to implement a weighted lottery.

If a school district elected to admit certain students not described by Education Code sec. 25.001(b), the district would have to post in a prominent location on its website notice of the method by which the district admitted those students. If the district used a weighted lottery, the district also would have to include on its website the weights assigned to applicants, including assigned to an applicant who was:

- 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 would take effect September 1, 2021. Provisions related to the weighted lottery would apply beginning with admissions for the 2022-2023 school year.