

## **BILL ANALYSIS**

C.S.H.B. 2621  
By: Bailes  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that, although charter schools receive state funding in Texas, they are not required by law to accept all students who apply. It has been suggested that implementing a uniform application form for admission into charter schools may minimize certain disparities in admission. C.S.H.B. 2621 seeks to promote fairness and equal access for students to charter schools by requiring the commissioner of education to adopt a common admission application form that must be used by charter schools.

### **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 rulemaking authority is expressly granted to the commissioner of education in SECTION 3 of this bill.

### **ANALYSIS**

C.S.H.B. 2621 amends the Education Code to require the commissioner of education by rule to adopt, not later than January 1, 2020, a common admission application form for use by an applicant for admission to an open-enrollment charter school that provides for the submission of information that the commissioner considers appropriate. The bill prohibits the adopted form from advertising or otherwise promoting any person or charter school or soliciting money, goods, or services from an applicant. The bill requires the commissioner to publicize the availability of the adopted form, including by posting the form on the Texas Education Agency (TEA) website, and to take the following actions, not later than January 1, 2020:

- adopt by rule guidelines for a charter school that receives more acceptable applications for admission than available positions at the school to create and manage a waiting list each school year for applicants who are not admitted; and
- adopt any other rules as necessary to implement these requirements, including rules to ensure the requirements comply with federal law regarding confidentiality of student medical or educational information and any state law relating to the privacy of student information.

C.S.H.B. 2621 requires the governing body of a charter holder, not later than the last Friday in October of each year, in the form prescribed by commissioner rule, to report to TEA for that school year any information required by the commissioner as necessary to identify each student admitted to or on a waiting list for admission to a campus operating under the charter holder's charter who is or was previously enrolled in a public school in Texas and the following information for each campus operating under the charter holder's charter and aggregated for all campuses operating under the charter:

- the number of students enrolled;
- the enrollment capacity; and
- if a charter holder uses a waiting list for admission to a campus, the total number of students on the waiting list and the number of students on the waiting list disaggregated by grade level.

C.S.H.B. 2621 requires the commissioner to identify from the reported information each group of charter holders considered by the commissioner to be corporate affiliates or substantially related charter holders. The bill requires TEA to aggregate the reported information for each group of those identified charter holders. The bill requires the commissioner to post on the TEA website the reported information and the information aggregated by TEA not later than March 15 of each year. The bill requires the commissioner, not later than January 1, 2020, to adopt rules as necessary to implement the enrollment and waiting list report requirements, including rules to ensure the requirements comply with federal law regarding confidentiality of student educational information and any state law relating to the privacy of student information.

C.S.H.B. 2621 clarifies that the application an applicant is required to complete and submit for admission to a charter school is the common admission application form. The bill clarifies that the authorization for the governing body of a charter school that specializes in one or more performing arts to require an applicant to audition for admission is in addition to the applicant completing and submitting the common admission application form. The bill's provisions relating to the completion and submission of the common admission application form, the admission to a charter school that specializes in one or more performing arts, and the enrollment and waiting list report apply beginning with the 2020-2021 school year.

#### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2621 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 includes provisions:

- prohibiting the adopted form from advertising or otherwise promoting any person or charter school or soliciting money, goods, or services from an applicant;
- specifying that the requirement for the commissioner to publicize the availability of the adopted form includes posting the form on the TEA website; and
- requiring the commissioner, not later than January 1, 2020, to adopt rules as necessary to implement the bill's enrollment and waiting list report requirements.

The substitute, with regard to the enrollment and waiting list report:

- changes the submission deadline for the enrollment and waiting list report from October 1 of each school year to the last Friday in October of each school year;
- requires the report to include any information required by the commissioner as necessary to identify each student admitted to or on a waiting list for admission who is or was previously enrolled in a public school in Texas; and
- changes the posting deadline for the reported and aggregated information to the TEA website from December 31 of each year to March 15 of each year.

The substitute does not include a deadline by which the commissioner is required to identify each group of charter holders considered by the commissioner to be corporate affiliates or substantially related charter holders. The substitute does not include a deadline by which TEA is required to aggregate that information.