

BILL ANALYSIS

C.S.H.B. 386
By: McCall
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

CSHB 386 permits home-schooled students to attend public school classes on a part-time basis and take part in extracurricular activities in public schools if the local school board adopts a provision to do so. The bill expands educational options and choices for home-schooled students. This bill permits public schools to account for these students in order to receive adequate state funding.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commissioner of Education in SECTION 7 and SECTION 8 of this bill.

ANALYSIS

CSHB 386 amends the Education Code by inserting language that permits a home-schooled student to attend a public school on a part-time basis with the consent of both the district and the child's parent or guardian. The bill provides that the student may participate in a class on the same basis as a regularly enrolled student and that the district is prohibited from charging the home-schooled student tuition to enroll but shall collect all applicable fees as charged to a regularly enrolled student. An open-enrollment charter school or college or university charter school is not eligible to receive funding for a student enrolled under this section.

CSHB 386 allows a district to establish a laboratory or other facility for home-schooled students that is not located on a regular campus. School districts may not charge home-schooled students tuition for use of a laboratory or other facility but shall charge any other regular fee normally applied. A regularly enrolled student may make use of laboratories or other facilities.

CSHB 386 allows a school district to offer an online course to a home-schooled student for credit. A school district may permit a home-schooled student entitled to attend public school in the district to participate in an online course as offered. The school district may not charge a home-schooled student tuition for the online course but shall charge all other applicable fees normally applied to regular students. School districts may allow a regularly enrolled student to participate in an online course as offered. The online course section takes effect only if H.B. 1445 is not passed and signed into law.

CSHB 386 permits a school district to furnish textbooks to home-schooled students at no cost for a course in which the home-schooled student is enrolled as if the student was enrolled in the district as a full-time student.

CSHB 386 provides that a school district may permit a home-schooled student entitled to attend public school in the district to participate in a school district sponsored extracurricular activity. Home-schooled students shall be charged the same fee of regularly enrolled students. Each home-schooled student, entitled to attend public school, is entitled to participate in an extracurricular activity sponsored by the University Interscholastic League if the board of trustees of that district adopts a policy authorizing home-schooled students to participate in league sponsored events. Home-schooled students are to satisfy eligibility requirements for participating in league-sponsored activities. For each grade evaluation period, the home-schooled student's teacher must provide the principal with an affidavit stating that the student is full-time and satisfies all grade requirements for participating in extracurricular activities.

The assessment of home-schooled students applies to a home-schooled student enrolled in a school district for two or fewer courses or two or fewer hours of instruction as determined by commissioner rule. An assessment instrument may be administered to a home-schooled student only in a subject the student receives instruction from the district. The commissioner by rule shall provide for assessment of home-schooled students as designated by this legislation. Only the performance on an assessment instrument may be used for accountability ratings.

CSHB 386 also sets forth provisions relating to the inclusion of home-schooled students in average daily attendance in proportion to their participation, as determined by commissioner rules. This bill caps the number of home-schooled students permitted to be included in the average daily attendance at 1,000 in any school year. In order to include a home-schooled student in ADA a school district must apply to the commissioner as prescribed by commissioner rule. Additionally, this bill states the amount appropriated for the inclusion of home-schooled students in ADA may not to exceed \$5 million in a school year.

The Act will begin with the 2005-2006 school year.

EFFECTIVE DATE

This Act applies beginning with the 2005 - 2006 school year.

(a) Except as provided by Subsection (b) of this section and Section 4(b) of this Act, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005. (b) Section 8 of this Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 386 sets forth a definition for a home-schooled student. The substitute creates language that an open-enrollment charter school or college or university charter school is not eligible for funding for students enrolled under this section. The substitute makes the online course portion of the bill contingent upon the passage of House Bill 1445. Additionally, the substitute modifies language within the free textbook section. The substitute amends language as to the grade evaluation period for home-schooled students participating in extracurricular activities. The substitute also removes language as to the application of academic requirements to home-schooled students participating in extracurricular activities.

CSHB 386 changes the section on the assessment of home-schooled students and designates to the commissioner of education rulemaking authority. The section on the inclusion of home-schooled students in ADA is modified by the substitute. The substitute adds that in order to include a home-schooled student in ADA a school district must apply to the commissioner as prescribed by commissioner rule. Additionally, the substitute adds language stating that not more than 1,000 home-schooled students may be included in the ADA in any school year. Additionally, the substitute creates an amount appropriated for the inclusion of home-schooled students in ADA not to exceed \$5 million in a school year.