

BILL ANALYSIS

C.S.S.B. 1446
By: Averitt
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are several provisions in the Texas Education Code regarding admissions for public school students that need clarification and updating. New criteria was established for F-1 visas and in order to obtain an F-1 visa, a student must limit the period of study at a public university to 12 months and must reimburse the secondary school for the full unsubsidized per capita cost of the student's education. School districts do not have legislative authority to charge this tuition, which effectively prevents students from being able to obtain an F-1 visa to attend a Texas public secondary school. CSSB 1446 authorizes public schools to charge tuition to students who hold F-1 visas and requires the schools to report the tuition received to Texas Education Agency (TEA) so that state funding may be adjusted to avoid double funding. CSSB 1446 prohibits a school district from denying admission to a student for failure to provide such reimbursement.

Currently home-schooled students do not have access to many of the advantages that public schools have access to such as, depth of curriculum, scientific laboratories and extracurricular activities. Some school districts would like the ability to offer these opportunities to home-schooled students. Additionally, CSSB 1446 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 9 and SECTION 10 of this bill.

ANALYSIS

CSSB 1446 sets forth a definition for a home-schooled student and amends the Education Code by requiring the board of trustees of a school district or its designee to admit into the public schools of the district, free of tuition, a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought if the person is a homeless child or youth, as defined by 42 U.S.C. Section 11434a. This bill provides that the board is not required to admit a person under this subsection if the school district is able to confirm that the person is eligible under this section to enroll in another school district and the person engaged in conduct resulting in removal to a disciplinary alternative education program or expulsion, engaged in delinquent and is on probation, convicted of a criminal offense and is on community supervision or has been subject subsection (h) on the basis of information provided when the person previously enrolled in the district and the person's parent or guardian with lawful control of the person does not reside in the district. Additionally, this bill deletes existing text relating to who is required to enroll a child in a public school.

CSSB 1446 permits a home-schooled child, entitled to attend a public school in a school district, to enroll 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.

CSSB 1446 authorizes a school district or open-enrollment charter school, if a student is required as a condition of obtaining or holding a visa to reimburse the full, unsubsidized per capita cost of providing the student's education for the period of the student's attendance in a public school. A school district or open-enrollment charter school may accept the reimbursement, but may not deny admission to a student for the failure to provide such reimbursement. The commissioner is to develop guidelines to be used by school districts and open-enrollment charter schools in determining the full, unsubsidized per capita cost of providing a student's education. A district or charter school may not accept reimbursement in an amount greater than the amount computed under the commissioner's guidelines unless the commissioner approves the greater amount. The bill provides the attendance of a student for whom a school district or open-enrollment charter school accepts reimbursement under this section is not counted for purposes of allocating state funds to the district. This bill amends the Education Code in providing that a child is eligible for pre-kindergarten if the child is at least three years old and homeless or a homeless child or youth as defined by 42 U.S.C. Section 11434a.

CSSB 1446 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. A school district may offer an online course to a home-schooled student for academic 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 bill 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.

CSSB 1446 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.

CSSB 1446 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.

EFFECTIVE DATE

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

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.

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COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute creates a definition for a home-schooled student. The substitute creates additional language as to when the board of trustees is not required to admit a person to the school district. The substitute creates that a school district may establish a laboratory or other facility for home-schooled students. The substitute allows for a school district to offer an online course to home-schooled students for academic credit and permits a regularly enrolled student to participate in an online course. The substitute permits a school district to furnish textbooks to home-schooled students without cost as if the student were enrolled in the district as a full-time student. The substitute allows home-schooled students, entitled to attend public school, to participate in a district sponsored extracurricular activities. The substitute adds for the assessment of home-schooled students and designates to the commissioner of education rulemaking authority. The substitute creates the inclusion of home-schooled students in ADA. 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.