

By: McCall

H.B. No. 386

A BILL TO BE ENTITLED

AN ACT

relating to participation in school district services and activities by home-schooled students.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 25, Education Code, is amended by adding Section 25.006 to read as follows:

Sec. 25.006. PART-TIME ENROLLMENT OF HOME-SCHOOLED STUDENT. (a) A home-schooled child entitled under Section 25.001 to attend public school in a school district may enroll in public school in the district as a part-time student if the district and the child's parent or guardian agree in writing to the child's enrollment.

(b) A student enrolled under this section may participate in an academic class on the same basis as a regularly enrolled student.

(c) A school district may not charge a student enrolled under this section tuition but shall charge the student all applicable fees charged a regularly enrolled student.

SECTION 2. Subchapter Z, Chapter 29, Education Code, is amended by adding Sections 29.911 and 29.912 to read as follows:

Sec. 29.911. USE OF SCHOOL FACILITY FOR HOME-SCHOOLED STUDENTS. (a) A school district may establish a laboratory or other facility for home-schooled students that is not located on a regular school campus.

(b) A school district may permit a home-schooled student

1 entitled under Section 25.001 to attend public school in the
2 district to use:

3 (1) a laboratory or other facility established under
4 Subsection (a); or

5 (2) a laboratory or other facility located on a
6 regular school campus.

7 (c) A school district may not charge a home-schooled student
8 tuition for use of a laboratory or other facility under this section
9 but shall charge the student a fee comparable to any fee charged a
10 regularly enrolled student for use of a similar facility.

11 (d) A school district may permit a regularly enrolled
12 student to use a laboratory or other facility established under
13 Subsection (a).

14 Sec. 29.912. ONLINE COURSE FOR HOME-SCHOOLED STUDENTS. (a)
15 A school district may offer an online course to home-schooled
16 students for academic credit.

17 (b) A school district may permit a home-schooled student
18 entitled under Section 25.001 to attend public school in the
19 district to participate in an online course offered under
20 Subsection (a).

21 (c) A school district may not charge a home-schooled student
22 tuition for participating in a course offered under Subsection (a)
23 but shall charge the student a fee comparable to any fee charged a
24 regularly enrolled student for participating in the course.

25 (d) A school district may permit a regularly enrolled
26 student to participate in an online course offered under Subsection
27 (a).

1 SECTION 3. Section 31.001, Education Code, is amended to
2 read as follows:

3 Sec. 31.001. FREE TEXTBOOKS. (a) Textbooks selected for
4 use in the public schools shall be furnished without cost to the
5 students attending those schools.

6 (b) A school district may furnish textbooks without cost to
7 a home-schooled student who is entitled under Section 25.001 to
8 attend public school in the district. This chapter applies to
9 textbooks furnished to home-schooled students under this
10 subsection in the same manner as it applies to textbooks furnished
11 to students attending public schools.

12 SECTION 4. Subchapter D, Chapter 33, Education Code, is
13 amended by adding Sections 33.088 and 33.089 to read as follows:

14 Sec. 33.088. PARTICIPATION IN EXTRACURRICULAR ACTIVITIES
15 BY HOME-SCHOOLED STUDENTS. (a) A school district may permit a
16 home-schooled student entitled under Section 25.001 to attend
17 public school in the district to participate in a
18 district-sponsored extracurricular activity. If the district
19 charges regularly enrolled students a fee for participating in an
20 extracurricular activity, the district shall charge a
21 home-schooled student participating in that activity the same fee.

22 (b) Each home-schooled student entitled under Section
23 25.001 to attend public school is entitled to participate in an
24 extracurricular activity sponsored by the University
25 Interscholastic League on behalf of the school district the student
26 is entitled to attend under Section 25.001(b) if the board of
27 trustees of that district adopts a policy authorizing home-schooled

1 students to participate in league-sponsored activities.

2 (c) Except as provided by Section 33.089, Subsection (b)
3 does not exempt a home-schooled student from satisfying, as
4 provided by league rule, each eligibility requirement for
5 participating in a league-sponsored activity other than class
6 attendance requirements.

7 Sec. 33.089. APPLICATION OF ACADEMIC REQUIREMENTS TO
8 HOME-SCHOOLED STUDENTS PARTICIPATING IN EXTRACURRICULAR
9 ACTIVITIES. (a) In this section, "grade evaluation period" has the
10 meaning assigned by Section 33.081(c).

11 (b) Except as provided by Subsection (c), Sections
12 33.081(c)-(g) do not apply to a home-schooled student participating
13 as provided by Section 33.088 in an extracurricular activity
14 sponsored by a school district or the University Interscholastic
15 League.

16 (c) A home-schooled student participating in
17 extracurricular activities is subject to Sections 33.081(c)-(g) if
18 the student was a regularly enrolled student in a school district
19 and withdrew from school in the district and became a home-schooled
20 student:

21 (1) while the student was subject to a suspension
22 under Section 33.081(c); or

23 (2) during the last week of a grade evaluation period.

24 (d) For the grade evaluation period that follows the grade
25 evaluation period during which a home-schooled student to whom
26 Subsection (c) applies withdrew from public school, the student's
27 instructor must provide to the principal of the school to which the

1 student is assigned for participation in extracurricular
2 activities, at the time grades must be reported for students
3 enrolled in the school, an affidavit affirming that the student:

4 (1) is taking a number of grade-level courses
5 equivalent to the academic requirements for a full-time student at
6 the student's grade level enrolled in the school; and

7 (2) has grades for that reporting period that satisfy
8 grade requirements under Section 33.081(c) for participation in
9 extracurricular activities.

10 SECTION 5. Subchapter B, Chapter 39, Education Code, is
11 amended by adding Section 39.035 to read as follows:

12 Sec. 39.035. ASSESSMENT OF HOME-SCHOOLED STUDENT
13 PROHIBITED. A school district may not administer an assessment
14 instrument under this chapter to a home-schooled student included
15 in the district's average daily attendance under Section 42.0051.

16 SECTION 6. Subchapter A, Chapter 42, Education Code, is
17 amended by adding Section 42.0051 to read as follows:

18 Sec. 42.0051. INCLUSION OF HOME-SCHOOLED STUDENTS IN
19 AVERAGE DAILY ATTENDANCE. (a) The average daily attendance of a
20 school district includes each home-schooled student:

21 (1) who is entitled under Section 25.001 to attend
22 public school in the district; and

23 (2) who:

24 (A) attends a district school as a part-time
25 student as provided by Section 25.006;

26 (B) participates in an online course offered by
27 the district under Section 29.912;

1 (C) uses an off-campus laboratory or other
2 facility established by the district for home-schooled students as
3 provided by Section 29.911;

4 (D) receives textbooks from the district as
5 provided by Section 31.001(b); or

6 (E) participates in an extracurricular activity
7 sponsored or sanctioned by the school district or the University
8 Interscholastic League as a representative of a district school as
9 provided by Section 33.088.

10 (b) For each day of the minimum school year under Section
11 25.081(a) that a home-schooled student receives services or
12 textbooks or participates in a course or an extracurricular
13 activity as described by Subsection (a)(2), the school district is
14 entitled to include the student as a student in the district's
15 attendance for that day. The student's attendance shall be
16 included in proportion to the amount of time the student receives
17 services or textbooks or participates in a course or
18 extracurricular activity, as determined under rules adopted by the
19 commissioner.

20 SECTION 7. This Act applies beginning with the 2005-2006
21 school year.

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

1 (b) Section 6 of this Act takes effect September 1, 2005.