

BILL ANALYSIS

Senate Research Center

S.B. 1955
By: Taylor
Education
4/16/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the crisis learning phase of the COVID-19 pandemic, many parents in Texas chose to establish learning pods in their homes for the purpose of educating their children and their children's peers. Some parents have chosen to maintain these pods, even as schools have and are continuing to open their doors again. S.B. 1955, the Learning Pod Protection Act, ensures that local municipalities cannot attempt to regulate learning pods.

S.B. 1955 also prohibits local or school district employees from conducting site inspections or investigative visits, nor can they take any action to discriminate against or distinguish anyone (parent, student, or teacher) participating in a learning pod, or force any forms of registration or reporting to any authorities relating to the operation of the learning pod.

Finally, the Learning Pod Protection Act does not unduly impede or impair the freedom of parents and guardians to provide care and supervision of their children, nor does it single out educational activities while gatherings of children for recreational, social, or other activities remain unregulated, and the act is tailored to protect public health and safety.

As proposed, S.B. 1955 amends current law relating to exemptions from local government regulations and other measures for the operation of a learning pod by parents of children participating in the learning pod and individuals assisting those parents.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle E, Students and Parents, Education Code, by adding Chapter 27, as follows:

CHAPTER 27. LEARNING POD PROTECTION

Sec. 27.001. TITLE. Requires that this chapter be known as The Learning Pod Protection Act.

Sec. 27.002. PURPOSE. Provides that this chapter is necessary to ensure that parents that choose to voluntarily associate to advance the primary or secondary education of their children in the state are not subject to local restriction or regulation.

Sec. 27.003. DEFINITIONS. Defines "parent," "Learning Pod," "operation of a Learning Pod," and "primary or secondary education,"

Sec. 27.004. LEARNING POD REGULATORY EXEMPTIONS AND PROTECTIONS.
(a) Requires that any Learning Pod be exempt, notwithstanding any other, statute to the contrary, from the following local government ordinances, rules, regulations, policies, guidelines, or any other local regulatory provisions:

(1) all local requirements including, but not limited to staff ratios, certifications, background checks, physical accommodations, or other rules, regulations, guidelines, policies or provisions;

(2) all local requirements related to the operation of a day-care, child-care center, or at home daycare adopted under Human Resources Code Chapter 42 (Regulation of Certain Facilities, Homes, and Agencies that Provide Child-Care Services) or other law, including, but not limited to locally required staff certifications, background checks, physical accommodations or other rules, guidelines, or provisions;

(3) any local requirements related to building or fire codes applicable to educational or child-care facilities;

(4) any other local, ordinance, rule, regulation, policy, or guideline which would not be applicable to any group, building or facility but for the operation or presence of a Learning Pod.

(b) Prohibits a school district or other local government employee, contractor or agent from initiating or conducting any site inspection or other investigation or visit, that would not have been initiated or made but for the operation or presence of a Learning Pod.

(c) Prohibits a school district or other local government employee, contractor or agent from initiating or conducting any site inspection or other investigation or visit, that would not have been initiated or made but for the operation or presence of a Learning Pod, on the basis of any provision of federal code, rule, guideline, or any other federal authority.

(d) Prohibits a school district from taking or failing to take any action or in any manner discriminating against or otherwise distinguishing any student or parent on the basis of participation in a Learning Pod.

(e) Prohibits a school district or other local government employee, contractor or agent from requiring that any Learning Pod be in any manner required to register or otherwise report its existence or anything related to the operation of a Learning Pod.

(f) Provides that this section does not in any way alter or affect the rights of parents to choose a home school setting for their children, nor does it alter the regulation of any day-care center, child-care center, or home-day care center related to any operations or other matters not directly related to the operation of a Learning Pod.

SECTION 2. Severability clause.

SECTION 3. Effective date: upon passage or September 1, 2021.