By:  Taylor S.B. No. 1955

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1.  Subtitle E, Students and Parents, Education Code, is amended by adding Chapter 27 to read as follows:

CHAPTER 27. LEARNING POD PROTECTION

Sec. 27.001.  TITLE. This Chapter shall be known as The Learning Pod Protection Act.

Sec. 27.002.  PURPOSE. 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 shall not be subject to local restriction or regulation.

Sec. 27.003.  DEFINITIONS. In this chapter:

(1)  "Parent" means the parent or guardian of any child under 18.

(2)  "Learning Pod" means a voluntary association of parents choosing to group their children together at various times or places to participate in or enhance their primary or secondary academic programming. Payment for any services provided to the children participating in the Learning Pod by the parents does not exempt the grouping from this definition.

(3)  "Operation of a Learning Pod" means all the parents of the children participating in the Learning Pod and any other individuals assisting those parents while engaged in any actions taken to organize, facilitate or operate the Learning Pod, and any facility, home or other structure utilized by the Learning Pod.

(4)  "Primary or Secondary Education" means any learning mode or system for a student to participate in primary or secondary academic, athletic or other educational programming , including in a Learning Pod, in grades pre-kindergarten through twelve.

Sec. 27.004.  LEARNING POD REGULATORY EXEMPTIONS AND PROTECTIONS. (a) Any Learning Pod shall 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 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)  No school district or other local government employee, contractor or agent shall initiate or conduct 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)  No school district or other local government employee, contractor or agent shall initiate or conduct 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)  No school district shall take or fail to take any action or in any manner discriminate against or otherwise distinguish any student or parent on the basis of participation in a Learning Pod.

(e)  No school district or other local government employee, contractor or agent shall require 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)  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.  The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

SECTION 3.  EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all 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, 2021.