

AN ACT

relating to exempting learning pods from certain local government regulations.

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

SECTION 1. This Act may be cited as the Learning Pod Protection Act.

SECTION 2. Subtitle E, Title 2, Education Code, is amended by adding Chapter 27 to read as follows:

CHAPTER 27. LEARNING PODS

Sec. 27.001. DEFINITIONS. In this chapter:

(1) "Child-care facility" has the meaning assigned by Section 42.002, Human Resources Code.

(2) "Learning pod" means a group of children who, based on the voluntary association of the children's parents, meet together at various times and places to participate in or enhance the children's primary or secondary academic studies, including participation in an activity or service provided to the children in exchange for payment.

Sec. 27.002. EXEMPTION FROM LOCAL GOVERNMENT REGULATIONS.

(a) Notwithstanding other law:

(1) a learning pod is exempt from any ordinance, rule, regulation, policy, or guideline adopted by a local governmental entity that applies to a school district campus or child-care facility, including any requirements regarding staff-to-child

1 ratios, staff certification, background checks, physical
2 accommodations, or building or fire codes; and

3 (2) any group, building, or facility associated with
4 or used by a learning pod is exempt from any ordinance, rule,
5 regulation, policy, or guideline adopted by a local governmental
6 entity that would not apply to the group, building, or facility if
7 it was not associated with or used by a learning pod.

8 (b) An employee, contractor, or agent of a school district
9 or other local governmental entity may not initiate or conduct a
10 site inspection of, investigation of, or visit to a location in
11 which a learning pod meets if the district or entity would not have
12 initiated or conducted the inspection, investigation, or visit if
13 the learning pod did not meet at that location.

14 (c) A school district may not take action against, deny any
15 benefit to, discriminate in any manner against, or otherwise
16 distinguish any child or child's parent on the basis of the child's
17 participation in a learning pod.

18 (d) A school district or other local governmental entity may
19 not require:

20 (1) a learning pod to be registered with the district
21 or entity; or

22 (2) a person participating in a learning pod to report
23 to the district or entity information regarding the learning pod's
24 existence or operation.

25 (e) This section may not be construed to alter or affect:

26 (1) a parent's right to choose a home-school setting
27 for the parent's child; or

1 (2) the regulation of a child-care facility.

2 SECTION 3. If any provision of this Act or its application
3 to any person or circumstance is held invalid, the invalidity does
4 not affect other provisions or applications of this Act that can be
5 given effect without the invalid provision or application, and to
6 this end the provisions of this Act are declared to be severable.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2021.

S.B. No. 1955

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1955 passed the Senate on April 29, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1955 passed the House on May 24, 2021, by the following vote: Yeas 140, Nays 2, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor