

By: Taylor

S.B. No. 1955

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to exemptions from local government regulations and other  
3 measures for the operation of a learning pod by parents of children  
4 participating in the learning pod and individuals assisting those  
5 parents.

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

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

9 CHAPTER 27. LEARNING POD PROTECTION

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

12 Sec. 27.002. PURPOSE. This Chapter is necessary to ensure  
13 that parents that choose to voluntarily associate to advance the  
14 primary or secondary education of their children in the state shall  
15 not be subject to local restriction or regulation.

16 Sec. 27.003. DEFINITIONS. In this chapter:

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

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

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

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

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

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

19       (2) all local requirements related to the operation of a  
20 day-care, child-care center, or at home daycare adopted under Human  
21 Resources Code Chapter 42 or other law, including, but not limited  
22 to locally required staff certifications, background checks,  
23 physical accommodations or other rules, guidelines, or provisions;

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

26       (4) any other local, ordinance, rule, regulation, policy,  
27 or guideline which would not be applicable to any group, building or

1 facility but for the operation or presence of a Learning Pod.

2 (b) No school district or other local government employee,  
3 contractor or agent shall initiate or conduct any site inspection  
4 or other investigation or visit, that would not have been initiated  
5 or made but for the operation or presence of a Learning Pod.

6 (c) No school district or other local government employee,  
7 contractor or agent shall initiate or conduct any site inspection  
8 or other investigation or visit, that would not have been initiated  
9 or made but for the operation or presence of a Learning Pod, on the  
10 basis of any provision of federal code, rule, guideline, or any  
11 other federal authority.

12 (d) No school district shall take or fail to take any action  
13 or in any manner discriminate against or otherwise distinguish any  
14 student or parent on the basis of participation in a Learning Pod.

15 (e) No school district or other local government employee,  
16 contractor or agent shall require that any Learning Pod be in any  
17 manner required to register or otherwise report its existence or  
18 anything related to the operation of a Learning Pod.

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

25 SECTION 2. The provisions of this Act are severable. If any  
26 part of this Act is declared invalid or unconstitutional, that  
27 declaration shall not affect the part which remains.

1           SECTION 3. EFFECTIVE DATE.       This Act takes effect  
2 immediately if it receives a vote of two-thirds of all members  
3 elected to each house, as provided by Section 39, Article III, Texas  
4 Constitution. If this Act does not receive the vote necessary for  
5 immediate effect, this Act takes effect September 1, 2021.