

BILL ANALYSIS

S.B. 1955
By: Taylor
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the COVID-19 pandemic, many parents in Texas have chosen 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 with the reopening of schools. Concerns have been raised regarding the potential local regulation of these pods. S.B. 1955, the Learning Pod Protection Act, seeks to address these concerns by exempting learning pods from certain local government regulations.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1955 amends the Education Code to exempt the following:

- a learning pod from any ordinance, rule, regulation, policy, or guideline adopted by a local governmental entity that applies to a public school district campus or child-care facility, including any requirements regarding staff-to-child ratios, staff certification, background checks, physical accommodations, or building or fire codes; and
- any group, building, or facility associated with or used by a learning pod from any ordinance, rule, regulation, policy, or guideline adopted by a local governmental entity that would not apply to the group, building, or facility if it was not associated with or used by a learning pod.

The bill defines the following:

- "learning pod" as 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; and
- "child-care facility" by reference as a facility licensed, certified, or registered by the Department of Family and Protective Services to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

S.B. 1955 prohibits the following:

- an employee, contractor, or agent of a district or other local governmental entity from initiating or conducting a site inspection of, investigation of, or visit to a location in

- which a learning pod meets if the district or entity would not have initiated or conducted the inspection, investigation, or visit if the learning pod did not meet at that location;
- a district from taking action against, denying any benefit to, discriminating in any manner against, or otherwise distinguishing any child or child's parent on the basis of the child's participation in a learning pod;
 - a district or other local governmental entity from requiring the following:
 - a learning pod to be registered with the district or entity; or
 - a person participating in a learning pod to report to the district or entity information regarding the learning pod's existence or operation; and
 - the bill's provisions from being construed to alter or affect the following:
 - a parent's right to choose a home-school setting for the parent's child; or
 - the regulation of a child-care facility.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.