

SUBJECT: Private and home-school students' access to summer public school classes

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Aycock, Allen, J. Davis, Deshotel, Dutton, Farney, Huberty,  
K. King, Ratliff, J. Rodriguez, Villarreal

0 nays

WITNESSES: For — (*Registered, but did not testify*: Jennifer Allmon, The Texas  
Catholic Conference, Roman Catholic Bishops of Texas; Janna Lilly,  
Texas Council of Administrators of Special Education)

Against — None

On — (*Registered, but did not testify*: David Anderson and Lisa Dawn-  
Fisher, Texas Education Agency)

BACKGROUND: Education Code, sec. 25.001(a) states a person who is five to 21 years old  
on September 1 of any school year, or 21 to less than 26 years of age and  
is admitted by a school district to complete a high school diploma, is  
entitled to the benefits of the Available School Fund for that year.

DIGEST: HB 2137 would require school districts to allow eligible students not  
enrolled in a school district to participate in district summer school  
courses. The students would have to meet course eligibility requirements  
and pay any fees associated with the course approved by an independent  
school district's board of trustees.

The school district would not be required to allow students who are not  
enrolled in the district to enroll in an intensive mathematics, science, or  
summer program for students at risk of dropping out.

This bill would take immediate effect if finally passed by a two-thirds  
record vote of the membership of each house. Otherwise, it would take  
effect September 1, 2013.

SUPPORTERS  
SAY: HB 2137 simply would recognize the legitimate right of private and

home-schooled students living in a school district to enroll in summer programs in their districts. Many private schools are unable to offer the same programs that public schools offer in the summer and, as taxpayers, these families and students should have the same access to these summer programs as do students attending a public school.

Currently, school districts have the discretion to limit summer school program admittance to only students who are enrolled in the district during the regular school year. As a result, some districts have rejected students for summer school who were not enrolled in the district during the school year. Many of these students are the most in need of additional instruction and public summer programs are the only way for them to obtain it. While it may require districts to accommodate additional students, these students would have to pay the same tuition and fees and meet the same application criteria as a district student.

The bill would not require a school district to enroll these students in certain programs that would not be appropriate for them, such as programs designed for students at risk of dropping out of a public school or who are underperforming in math or science. HB 2137 simply would ensure that private and home-schooled students were afforded the opportunities to which they are entitled and get the continuing summer instruction they need.

**OPPONENTS  
SAY:**

HB 2137 would financially and administratively burden school districts with what could be a large number of summer school students who are not enrolled during the regular school year. Many summer school programs are offered at a discount to students because they are an academic necessity, and increasing the number of summer school students would mean an even greater cost for school districts.