

BILL ANALYSIS

Senate Research Center
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S.B. 412
By: Shapiro
Education
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DIGEST AND PURPOSE

Under current Texas law, home-schooled students are not explicitly given access to public school facilities and activities. While a school's principal may grant such access, the school receives no compensation for doing so. In addition, current law prohibits home-schooled students from participating in athletic and academic competitions sponsored by the University Interscholastic League (UIL). As proposed, S.B. 412 allows home-schooled students to enroll in the local district on a part-time basis and to participate in district- and UIL-sponsored extracurricular activities. In addition, it permits school districts to allow home-schooled students to use the district's facilities, on-line courses, and textbooks, all at no additional cost to the student. S.B. 412 entitles school districts to include such home-schooled students in the Average Daily Attendance count for each day that the home-schooled student receives services so that the school district may receive additional funding accordingly.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 25A, Education Code, by adding Section 25.006, as follows:

Sec. 25.006. PART-TIME ENROLLMENT OF HOME-SCHOOLED STUDENT. (a) Authorizes a home-schooled child entitled under Section 25.001 to attend public school in a school district to enroll in the district as a part-time student if the district and the child's parent agree in writing to the child's enrollment.

(b) Authorizes a student enrolled under this section to participate in an academic class on the same basis as a regularly enrolled student.

(c) Prohibits a school district from charging a student enrolled under this section tuition, but requires the district to charge the student all applicable fees that are charged a regularly enrolled student.

SECTION 2. Amends Chapter 29Z, Education Code, by adding Sections 29.908 and 28.909, as follows:

Sec. 29.908. USE OF SCHOOL FACILITY FOR HOME-SCHOOLED STUDENTS. (a) Authorizes a school district to establish a facility for home-schooled students that is not located on a regular school campus.

(b) Authorizes a school district to permit a home-schooled student entitled to attend public school under Section 25.001 to use a laboratory or other facility established under Subsection (a) or on a regular school campus.

(c) Prohibits a school district from charging a home-schooled student tuition for use of a laboratory or other facility under this section but requires a school district to charge the student a fee comparable to any fee charged to a regularly enrolled student for the use of the facility.

(d) Authorizes a school district to permit a regularly enrolled student to use a laboratory or other facility established under Subsection (a).

Sec. 29.909. ON-LINE COURSES FOR HOME-SCHOOLED STUDENTS. (a) Authorizes a school district to offer an on-line course to home schooled students for academic credit.

(b) Authorizes a school district to permit a home-schooled student entitled to attend public school under Section 25.001 to participate in an on-line course offered under Subsection (a).

(c) Prohibits a school district from charging a home-schooled student tuition for participating in a course offered under Subsection (a) but requires a school district to charge the student a fee comparable to any fee charges a regularly enrolled student for the same course.

(d) Authorizes a school district to permit a regularly enrolled student to participate in an online course offered under Subsection (a).

SECTION 3. Amends Section 31.001, Education Code, by creating Subsection (a) from existing text and adding Subsection (b) to authorize a school district to furnish textbooks without cost to a home-schooled student entitled to attend public school under Section 25.001. Provides that this chapter applies to textbooks furnished to home-schooled students in the same manner as it applies to textbooks furnished to students attending public schools.

SECTION 4. Amends Chapter 33D, Education Code, by adding Sections 33.087 and 33.088, as follows:

Sec. 33.087. PARTICIPATION IN EXTRACURRICULAR ACTIVITIES BY HOME-SCHOOLED STUDENTS. (a) Authorizes a school district to permit a home-schooled student entitled to attend public school under Section 25.001 to participate in a district-sponsored extracurricular activity. Requires the school district to charge the home-schooled student the same fee, if any, that it charges regularly-enrolled students for participation in such an activity.

(b) Entitles a home-schooled student entitled to attend public school in a school district under Section 25.001 to participate in an extracurricular activity sponsored by the University Interscholastic League (UIL) on behalf of that school district if the district's board of trustees adopts a policy to that effect.

(c) Provides that Subsection (b) does not exempt a home-schooled student from satisfying each eligibility requirement for participating in a league-sponsored activity other than class attendance requirements, except as provided by Section 33.088.

Sec. 33.088. APPLICATION OF ACADEMIC REQUIREMENTS TO HOME-SCHOOLED STUDENTS PARTICIPATING IN EXTRACURRICULAR ACTIVITIES.

(a) Exempts home-schooled students participating in school district- or UIL-sponsored extracurricular activities under Section 33.087 from Sections 33.081(c) - (g), except as provided by Subsection (b).

(b) Provides that a home-schooled student participating in an extracurricular activity is subject to Sections 33.081(c) - (g) if the student was regularly enrolled in a school district and withdrew from the district to be home schooled either while the student was subject to a suspension under Section 33.081(c) or during the last week of a grade evaluation period.

(c) Requires the instructor of a student to whom Subsection (b) applies to provide to the principal of the school that the student is assigned to for extracurricular activities an affidavit affirming certain eligibility requirements for the grade evaluation period following the grade evaluation period during which the student withdrew from school.

(d) Defines “grade evaluation period” for the purposes of this section.

SECTION 5. Amends Chapter 39B, Education Code, by adding Section 39.034, as follows:

Sec. 39.034. ASSESSMENT OF HOME-SCHOOLED STUDENT PROHIBITED. Prohibits a school district from administering an assessment instrument under this chapter to a home-schooled student included in the district’s daily attendance under Section 42.0051.

SECTION 6. Amends Chapter 42A, Education Code, by adding Section 42.0051, as follows:

Sec. 42.0051. INCLUSION OF HOME-SCHOOLED STUDENTS IN AVERAGE DAILY ATTENDANCE. (a) Provides that the average daily attendance of a school district includes home-school students who meet certain specified requirements.

(b) Entitles a school district to include a home-schooled student as a full-time student in the district’s attendance for each day of the minimum school year that the student receives services or textbooks or participates in a course or extracurricular activity under Subsection (a)(2).

SECTION 7. Provides that this Act applies beginning with the 2003-2004 school year.

SECTION 8. (a) Effective date: upon passage or September 1, 2003, except as provided by Subsection (b).

(b) Effective date for Section 6 of this Act: September 1, 2003.