

BILL ANALYSIS

Senate Research Center
79R10860 CAS-D

H.B. 1630
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S/C on Higher Education
5/6/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, professors in Texas institutions of higher education are left to their own discretion as to how to handle student absences, including students in the military who are called to duty. This has caused problems in the past as students have been penalized for the time they missed while serving their country. Although most schools are understanding in their policies toward these students, the need for a standard state policy that automatically excuses absences for students called to a military service for a relatively short duration of time is present.

H.B. 1630 creates a provision that students attending institutions of higher education who are called to military duty will have their absences excused. It also authorizes the Texas Higher Education Coordinating Board to adopt rules regarding the procedures for excusing the absences.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 1 (Section 51.9111, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.9111, as follows:

Sec. 51.9111. EXCUSED ABSENCE FOR ACTIVE MILITARY SERVICE. (a) Defines "institution of higher education" and "active military service."

(b) Sets forth students to whom this section applies.

(c) Requires an institution of higher education to excuse a student from attending classes or engaging in other required activities, including examinations, in order for the student to participate in active military service to which the student is called, including travel associated with the service. Prohibits a student whose absence is excused under this subsection from being penalized for that absence, and requires that the student be allowed to complete an assignment or take an examination from which the student is excused within a reasonable time after the absence. Authorizes an instructor to appropriately respond if the student fails to satisfactorily complete the assignment or examination within a reasonable time after the absence.

(d) Requires the Texas Higher Education Coordinating Board (THECB) to adopt rules as necessary to administer this section. Requires the rules to establish a maximum period for which the student may be excused under this section. Requires THECB, in establishing that period, to consider the maximum period a student may be absent without significantly interfering with the student's ability to learn the course material, complete course assignments, and succeed academically during the applicable semester or other academic period.

SECTION 2. Makes application of this Act prospective to the 2005 fall semester. Requires THECB to adopt rules for administering Section 51.9111, Education Code, as added by this Act, as soon as practicable after this Act takes effect. Authorizes THECB to adopt the initial rules in the manner provided by law for adoption of emergency rules for that purpose.

SECTION 3. Effective date: upon passage or September 1, 2005.