

BILL ANALYSIS

Senate Research Center

S.B. 1300
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S/C on Higher Education
4/20/2005
Committee Report (Amended)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, professors at Texas institutions of higher education have discretion regarding excused student absences, including students in the military who are called to duty. Students have been penalized for absences that resulted from military duty. Although most schools are understanding in their policies toward these students, Texas needs a standard state policy that automatically excuses absences for students called to military service for a relatively short duration. The men and women in the armed forces Reserves and National Guard should never have to worry about being penalized for serving their country.

As proposed, S.B. 1300 requires institutions of higher education to excuse absences for students called to military duty, and provides rulemaking authority to the Texas Higher Education Coordinating Board to implement this requirement.

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) Provides that this section applies only if certain student actions occur relating to enrollment in an institution of higher education.

(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 the 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 (board) to adopt rules as necessary to administer this section. Requires the rules to establish a maximum period for which a student may be excused under this section. Requires the board, 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 the Texas Higher Education Coordinating Board 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 the coordinating board, for that purpose, to adopt initial rules in the manner provided by law for adoption of emergency rules.

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

AMENDMENTS

Committee Amendment No. 1

Amends S.B. 1300 in SECTION 1 of the bill in proposed Section 51.911(d), Education Code (page 2, line 9), between "coordinating board" and "shall", by inserting ", in consultation with institutions of higher education,".