

BILL ANALYSIS

H.B. 256
By: Hochberg
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, students must notify their instructor within the first 15 days of the semester if they plan to be absent for observance of a religious holy day. This notification requirement can be burdensome for students and inhibits religious practice and freedom. A similar requirement for public school students was removed by the 76th Legislature. House Bill 256 conforms the policy for higher education students to that of public education students by removing the stipulation that a student notify the instructor at the beginning of the semester and by adding travel for the purpose of observing the religious holy day to the statute.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 3 of this bill.

ANALYSIS

SECTION 1. Amends Section 51.911(b), Education Code, to require an institution of higher education to excuse a student from attending classes or other required activities for the observance of a religious holy day, including travel for that purpose. The bill prohibits a student whose absence is excused under this subsection from being penalized for that absence. The bill removes language that provides that within the first 15 days of the start of the semester a student notify the instructor of each class that the student had scheduled on that date that the student would be absent for a religious holy day.

SECTION 2. Repeals Section 51.911(c), Education Code, which sets forth the requirements for the notification of instructors, regarding an absence resulting from the observance of a religious holy day.

SECTION 3. (a) Provides that Sections 1 and 2 of this Act apply beginning with the 2003 fall semester.

(b) Requires the Texas Higher Education Coordinating Board to adopt rules for the administration of Section 51.911(b), or amend its existing rules for that purpose as soon as practicable after the bill takes effect. The coordinating board may adopt or amend the rules before October 1, 2003 in the manner provided by law for emergency rules.

SECTION 4. Provides that the Act takes immediate effect upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.