

## **BILL ANALYSIS**

C.S.H.B. 268  
By: Naishtat  
Higher Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In 1995, the 74th Legislature passed legislation that made hazing at colleges, universities and high schools a criminal offense. However, the term “institutions of higher education” contained in the statute may not clearly apply the provisions to *private* colleges and universities.

CSHB 268 clears up any ambiguity that may exist regarding the applicability of the current hazing statutes to private colleges and universities by defining “institutions of higher education” in more specific language. It does not change any of the provisions in the hazing statutes.

### **RULEMAKING AUTHORITY**

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

CSHB 268 amends Section 51.936, Education Code, by amending Subsections (a) and (b) and adding Subsection (e). The bill provides that Subchapter F, Chapter 37, Education Code, applies to a postsecondary educational institution under this section in the same manner as that subchapter applies to a public or private high school. The bill defines postsecondary educational institution as an institution of higher education as defined by Section 61.003, Education Code, or as a private or independent institution of higher education as defined by Section 61.003, Education Code, or as a private postsecondary educational institution as defined by Section 61.302, Education Code. The bill provides that Section 1.001(a) does not limit the application of this section to postsecondary educational institutions supported in whole or part by state tax funds.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSHB 268 modifies the original to provide that a postsecondary educational institution a private or independent institution of higher education are as defined by Section 61.003, Education Code.