

BILL ANALYSIS

H.B. 1170
By: Miller
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Because of increased military activity during the last decade, the number of students withdrawing to perform active service has grown. United States reservists were called to active duty in order to free Kuwait from Iraq forces and to protect our allies in the Middle East. The U.S. military reserves were reactivated following the unforgettable terrorist attacks that destroyed the World Trade Center towers in New York City in 2001. Since that time, large numbers of reservists have been called to active duty.

Colleges and universities should not penalize students who have been called to serve our country. Unfortunately, our soldier students, upon their return home from places such as Iraq or Afghanistan, are forced to go through the entire application process, re-pay applications fees, and must wait to be readmitted to the schools which they were already attending. Most public institutions of higher education have a policy that if a student withdraws and does not take courses for more than one year the student must re-apply and be accepted in order to return to the school. Currently, there is no exemption from this policy for students who have been called to active military service.

This bill would eliminate the burden of the re-application process and re-payment of fees for students in good standing who have withdrawn from school because of military duty. HB 1170 would ensure that those students are not saddled with additional hardships when returning to civilian life.

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

SECTION 1 - Subchapter Z, Chapter 51, Education Code, is amended by adding section 51.9242 to allow a student who withdraws from an institution of higher education, in order to perform active military service as a member of the U.S. armed forces or the Texas National Guard, to be readmitted to that institution without reapplication.

This does not apply to students who withdraw solely to perform one or more training exercises as a member of the Texas National Guard. The student must request re-admission no later than one year after their release from active service. Schools may adopt rules requiring reasonable proof of a student of their active military service.

SECTION 2 - This Act applies beginning on the first semester or term after this Act takes effect.

SECTION 3 - Effective date.

EFFECTIVE DATE

This Act takes effect immediately if it receives two-thirds vote approval of all members elected to each house. Otherwise, this Act takes effect September 1, 2005.