

By: West S.B. No. 1300
(In the Senate - Filed March 9, 2005; March 21, 2005, read first time and referred to Subcommittee on Higher Education; April 19, 2005, reported favorably, as amended, to Committee on Education; April 22, 2005, reported favorably, as amended, from Committee on Education by the following vote: Yeas 7, Nays 0; April 22, 2005, sent to printer.)

COMMITTEE AMENDMENT NO. 1 By: West

Amend S.B. No. 1300 (Introduced version) in SECTION 1 of the bill, in proposed Subsection (d), Section 51.9111 Education Code (page 1, line 47), between "Coordinating Board" and "shall", by inserting ", in consultation with institutions of higher education,".

A BILL TO BE ENTITLED
AN ACT

relating to an excused absence from a public institution of higher education for a person called to active military service.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9111 to read as follows:

Sec. 51.9111. EXCUSED ABSENCE FOR ACTIVE MILITARY SERVICE.

(a) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003.

(2) "Active military service" includes active military service performed by a member of the Texas National Guard.

(b) This section applies only if:

(1) a student enrolled in an institution of higher education fails to attend classes or engage in other required activities because the student is called to active military service that is of a reasonably brief duration, as determined by rule adopted under Subsection (d); and

(2) the student chooses not to withdraw as authorized by Section 54.006(f).

(c) An institution of higher education shall 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. A student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to complete an assignment or take an examination from which the student is excused within a reasonable time after the absence. An instructor may appropriately respond if the student fails to satisfactorily complete the assignment or examination within a reasonable time after the absence.

(d) The Texas Higher Education Coordinating Board shall adopt rules as necessary to administer this section. The rules must establish a maximum period for which a student may be excused under this section. In establishing that period, the board shall 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. (a) This Act applies beginning with the 2005 fall semester.

(b) The Texas Higher Education Coordinating Board shall adopt rules for administering Section 51.9111, Education Code, as added by this Act, as soon as practicable after this Act takes effect. For that purpose, the coordinating board may adopt the initial rules in the manner provided by law for adoption of emergency rules.

