

BILL ANALYSIS

C.S.H.B. 202
By: Stickland
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires a school district to excuse a student from school for events such as religious holy days, required court appearances, and naturalization oath ceremonies. Students are allowed a reasonable time to make up work they may have missed during such absences and districts are not penalized financially for those types of absences. Interested parties indicate that there is broad support for the extension of the same treatment for the absence of a student from school to visit with a parent or guardian who will be or has been deployed on active military duty. The supporters maintain that this will provide valuable time together for military families as they deal with the emotions of a parent's or guardian's departure and return from deployment. C.S.H.B. 202 seeks to provide for this type of excused student absence while preserving the average daily attendance funding a school district receives for students who are granted an excused absence under the bill.

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

C.S.H.B. 202 amends the Education Code to require a school district to excuse a student for not more than five days in a school year to visit with the student's parent or legal guardian if the parent or legal guardian is an active duty member of the U.S. military and has been called to duty for, is on leave from, or has immediately returned from continuous deployment of at least four months outside the locality where the parent or guardian regularly resides. The bill requires such an excused absence to be taken not earlier than the 60th day before the date of deployment nor later than the 30th day after the date of the return from deployment.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 202 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 25.087, Education Code, is amended by adding Subsection (b-4) and amending Subsection (d) to read as

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 25.087, Education Code, is amended by adding Subsection (b-4) and amending Subsection (d) to read as

follows:

(b-4) A school district shall excuse for a maximum of 10 days a student whose parent or legal guardian is an active duty member of the uniformed services as defined by Section 162.002 and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least six months outside the locality where the parent or guardian regularly resides, to visit with the student's parent or guardian. An excused absence under this subsection must be taken:

(1) not earlier than the 60th day before the date of deployment; or

(2) not later than the 30th day after the date of return from deployment.

(d) A student whose absence is excused under Subsection (b), (b-2), (b-4), or (c) may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under Subsection (b), (b-2), (b-4), or (c) shall be allowed a reasonable time to make up school work missed on those days. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance.

SECTION 2. 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, 2013.

follows:

(b-4) A school district shall excuse a student whose parent or legal guardian is an active duty member of the uniformed services as defined by Section 162.002 and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent or guardian regularly resides, to visit with the student's parent or guardian. A school district may not excuse a student under this subsection more than five days in a school year. An excused absence under this subsection must be taken:

(1) not earlier than the 60th day before the date of deployment; or

(2) not later than the 30th day after the date of return from deployment.

(d) A student whose absence is excused under Subsection (b), (b-2), (b-4), or (c) may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under Subsection (b), (b-2), (b-4), or (c) shall be allowed a reasonable time to make up school work missed on those days. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance.

SECTION 2. Same as introduced version.