S.B. No. 165

AN ACT

relating to an exception to dropped course limitations at public institutions of higher education for courses dropped during a disaster that results in a bar or limit on in-person course attendance.

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

SECTION 1.  Section 51.907, Education Code, is amended by amending Subsection (e) and adding Subsection (e-2) to read as follows:

(e)  The Texas Higher Education Coordinating Board shall adopt rules under which an institution of higher education shall permit a student to drop more courses under circumstances described by Subsection (b) than the number of courses permitted to be dropped under Subsection (c) or under a policy adopted under Subsection (d) if [~~the student shows~~] good cause exists for dropping more than that number, including:

(1)  the student's [~~a~~] showing of:

(A) [~~(1)~~]  a severe illness or other debilitating condition that affects the student's ability to satisfactorily complete a course;

(B) [~~(2)~~]  the student's responsibility for the care of a sick, injured, or needy person if the provision of care affects the student's ability to satisfactorily complete a course;

(C) [~~(3)~~]  the death of a person who:

(i) [~~(A)~~]  is considered to be a member of the student's family under a rule adopted under this subsection for purposes of this paragraph [~~subdivision~~]; or

(ii) [~~(B)~~] is otherwise considered to have a sufficiently close relationship to the student under a rule adopted under this subsection that the person's death is considered to be a showing of good cause; or

(D) [~~(4)~~]  the active duty service as a member of the Texas National Guard or the armed forces of the United States of:

(i) [~~(A)~~]  the student; or

(ii) [~~(B)~~] a person who is considered to be a member of the student's family under a rule adopted under this subsection for purposes of this paragraph; or

(2)  a disaster declared by the governor under Section 418.014, Government Code, resulting in a bar or limit on in-person course attendance at the institution of a duration that significantly affects the student's ability to participate in coursework, as determined in accordance with a rule adopted under this subsection for purposes of this subdivision.

(e-2)  Notwithstanding any other provision of this section, an institution of higher education may not count toward the number of courses permitted to be dropped under Subsection (c) or a policy adopted under Subsection (d) a course dropped by a student during the 2020 spring semester or summer term or the 2020-2021 academic year because of a bar or limit on in-person course attendance at the institution during the applicable semester or term due to the coronavirus disease (COVID-19) pandemic.

SECTION 2.  Section 51.907(e), Education Code, as amended by this Act, applies beginning with the 2021 fall semester.

SECTION 3.  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, 2021.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_President of the Senate             Speaker of the House

I hereby certify that S.B. No. 165 passed the Senate on April 13, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 28, 2021, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 165 passed the House, with amendment, on May 25, 2021, by the following vote: Yeas 101, Nays 46, one present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor