

1 AN ACT

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

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

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

7 Sec. 51.9111. EXCUSED ABSENCE FOR ACTIVE MILITARY SERVICE.

8 (a) In this section:

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

11 (2) "Active military service" includes active
12 military service performed by a member of the Texas National Guard
13 or the Texas State Guard.

14 (b) This section applies only if:

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

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

22 (c) An institution of higher education shall excuse a
23 student from attending classes or engaging in other required
24 activities, including examinations, in order for the student to

1 participate in active military service to which the student is
2 called, including travel associated with the service. A student
3 whose absence is excused under this subsection may not be penalized
4 for that absence and shall be allowed to complete an assignment or
5 take an examination from which the student is excused within a
6 reasonable time after the absence. An instructor may appropriately
7 respond if the student fails to satisfactorily complete the
8 assignment or examination within a reasonable time after the
9 absence.

10 (d) The Texas Higher Education Coordinating Board, in
11 consultation with institutions of higher education, shall adopt
12 rules as necessary to administer this section. The rules must
13 establish a maximum period for which a student may be excused under
14 this section. In establishing that period, the board shall
15 consider the maximum period a student may be absent without
16 significantly interfering with the student's ability to learn the
17 course material, complete course assignments, and succeed
18 academically during the applicable semester or other academic
19 period.

20 SECTION 2. (a) This Act applies beginning with the 2005
21 fall semester.

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

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2005.

David Dewhurst

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 1630 was passed by the House on April 22, 2005, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1630 on May 23, 2005, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Robert Hawey
Chief Clerk of the House

I certify that H.B. No. 1630 was passed by the Senate, with amendments, on May 20, 2005, by the following vote: Yeas 31, Nays 0.

Latsig Spaw
Secretary of the senate

APPROVED: 17 JUNE '05

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM O'CLOCK,
June 17, 2005
Roger Williams
Secretary of State