

SUBJECT: Permitting absences for religious holy days for higher education students

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 5 ayes — Morrison, F. Brown, J. Jones, Mercer, Smithee

0 nays

4 absent — Rangel, Chavez, Giddings, Nixon

WITNESSES: For — Jan Soifer, Anti-Defamation League

Against — None

BACKGROUND: Section 51.911 of the Education Code allows a student at an institute of higher education to be absent from class to observe a religious holy day if the student provides written notification to each instructor within the first 15 days of the semester. This section also requires acknowledgment of receipt of this notification by the professor or by certified mail.

In 1999, the 76th Legislature enacted HB 217 by Hochberg, eliminating the requirement that the parent of a public school student submit written notification before that student could be absent for a religious holy day.

DIGEST: HB 256 would amend sec. 51.911 of the Education Code to eliminate entirely the requirement for advance notification of an absence to observe a religious holy day, including the provisions that specify the required nature of the notification and instructor acknowledgment of it. In addition, the bill specifically would excuse students for any travel time necessary to observe the holy day. It also would require the Texas Higher Education Coordinating Board to adopt or amend rules for the administration of this bill.

The bill would take effect September 1, 2003, and apply beginning with the 2003 fall semester.

**SUPPORTERS
SAY:**

HB 256 would make consistent the laws governing excused religious absences for public school and higher education students. Unlike a public school student, a university student must notify each instructor of all holy days requiring an absence throughout the semester. This notification must take place at the start of the semester, when students often are registering and changing their course schedules. This cumbersome, little-known requirement harms students who simply are unaware that this archaic statute exists.

HB 256 would protect students belonging to minority religions, since holy days in the Jewish and Muslim faiths, among others, are not accommodated by the typical university calendar. It would prevent students of these religions from having to choose between honoring their faith traditions and succeeding in their academics.

Since enactment of HB 217 in 1999, there have been few, if any, reports of students falsely justifying religious absences, and there is little reason to believe that university students would abuse a similar policy in higher education institutions. The law already allows students to miss class without prior notification if they are ill, and it is reasonable to extend this privilege to religious absences. There is greater potential for harm from instructors forbidding their students to miss class for holy days because students failed to meet the notification deadline under current law.

HB 256 wisely would include travel for the purpose of religious observance as an excusable event. Because some faiths require families to observe holy days together, students who must travel to be with their families should be included under the law.

**OPPONENTS
SAY:**

HB 256 would leave the door open for students to justify any absence falsely on religious grounds. The current law was written to discourage students from dishonestly reporting an unjustified absence as an excused, religious absence, and HB 256 would undermine this intent.