

HOUSE BILL REPORT

HB 1221

As Passed House:
February 14, 2011

Title: An act relating to rights of higher education students involved in military service.

Brief Description: Regarding the rights of certain higher education students involved in military service.

Sponsors: Representatives Finn, Rodne, Eddy, Shea, Klippert and Kelley; by request of Washington State Bar Association.

Brief History:

Committee Activity:

Higher Education: 1/26/11, 1/31/11 [DP].

Floor Activity:

Passed House: 2/14/11, 93-0.

Brief Summary of Bill

- Requires institutions of higher education to provide an opportunity to make up missed exams for reservist students who are called to active duty and training for 30 days or less.

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: Do pass. Signed by 14 members: Representatives Seaquist, Chair; Carlyle, Vice Chair; Parker, Assistant Ranking Minority Member; Buys, Crouse, Fagan, Hasegawa, Jacks, Probst, Reykdal, Sells, Springer, Warnick and Zeiger.

Staff: Madeleine Thompson (786-7304).

Background:

Under current law, students of public higher education institutions who are members of the Washington National Guard or other military reserve and who are ordered into active state or federal military service for longer than 30 days have certain rights. After providing documentation of orders, these students may:

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- withdraw from courses without negative annotation on their transcript or record and have tuition and fees credited to their account;
- be given a grade of incomplete with an opportunity to complete the course upon release from duty; or
- continue and complete the course for full credit without penalty for any missed classes. The student may still be required to complete necessary assignments, and the award of a grade and credit is subject to the instructor's determination that sufficient work has been completed and sufficient progress demonstrated to justify the grade.

Students who withdraw must be readmitted and enrolled without penalty within one year following release from active duty. Students are also entitled to receive a refund of amounts paid for room, board, and fees that are attributable to the time they were in the military and which they did not use. Any refunds of tuition and fees or room and board are subject to requirements of state or federal financial aid programs that were the source of funds.

These protections are minimums; institutions can provide additional options or protections for students.

Summary of Bill:

Higher education students who are members of the Washington National Guard or other military reserve and who are ordered to active or inactive state or federal service for a period of 30 days or less, are entitled to make up classes or exams without affecting their grades or standing.

Specifically, if a student misses a class, test, exam, laboratory, or other event due to their service or medical appointments for injuries incurred during service, then the student is entitled to make up the missing class, test, exam, laboratory, or other event without affecting his or her grades or standing.

If the faculty member teaching the course determines that the student has made sufficient progress towards meeting course requirements, the student is not required to make up missed classes or other missed events. In this case, the missed class, test, exam, laboratory, or other event must not be used in any way to adversely impact the student's grades or standing.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill fills a gap in the law. Being called to service for less than 30 days has dramatically increased for activations due to natural disasters. Students should not be penalized for protecting us. Domestic missions quite often require service of less than 30

days. Reservists are subject to judicial punishment if they fail to report. These students should not suffer consequences in their academic standing for providing service. The current law does not cover drill weekends. This will become a benchmark practice for other states. The current law works well and this ties up loose ends in the law for students who serve for less than 30 days.

(Opposed) None.

Persons Testifying: Representative Finn, prime sponsor; Major General Timothy Lowenberg, Washington Military Department; Mark San Souci, Department of Defense; Burt Backman, Employer Support of the Guard and Reserve; Kenyon Luce, Luce, Lineberry and Kenny PS and Legal Assistance for Military Personnel; Scott Copeland, State Board for Community and Technical Colleges; John Martens, Centralia College; and Julie Garver, The Evergreen State College.

Persons Signed In To Testify But Not Testifying: None.