

HOUSE BILL REPORT

SB 5343

As Passed House:
April 15, 2013

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

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

Sponsors: Senators Bailey, Rivers, Hobbs, Kline, Mullet, Fain, Frockt, Billig, Shin, Tom, Conway and Roach; by request of Washington State Bar Association.

Brief History:

Committee Activity:

Higher Education: 3/5/13, 3/14/13 [DP].

Floor Activity:

Passed House: 4/15/13, 95-0.

Brief Summary of Bill

- Requires institutions of higher education to provide make-up classes, exams, or other make-up events to National Guard members or other military reservists called to active duty or training for 30 days or less without prejudice to the final course grade or evaluation.

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: Do pass. Signed by 19 members: Representatives Seaquist, Chair; Pollet, Vice Chair; Haler, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member; Fagan, Hansen, Hargrove, Johnson, Magendanz, Pedersen, Reykdal, Riccelli, Sawyer, Scott, Sells, Smith, Tarleton, Walsh and Wylie.

Staff: Madeleine Thompson (786-7304).

Background:

Under state statute, a student of a public higher education institution who is a member of the Washington National Guard or other military reserve and who is ordered into active state or

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federal military service for longer than 30 days has certain rights. After providing documentation of orders, the student may:

- withdraw from courses without negative annotation on his or her transcript or record and have tuition and fees credited to his or her 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 prejudice to the final course grade or evaluation. 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. The make-up class, test, or other event must be scheduled after the member's return from service and after a reasonable time for the student to prepare for the event. Class sessions a student misses due to performance of military service must be counted as excused absences and may not be used in any way to adversely impact the student's grade or class standing.

If the faculty member teaching the course determines that the student completed sufficient work and demonstrated sufficient progress toward meeting course requirements to justify the grade without making up the class, test, examination, or other event, the grade may be awarded without the make-up work. However, the missed event must not be used to adversely impact the student's grade or standing in the class.

Appropriation: None.

Fiscal Note: Available.

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 meets specific needs of our reservists. There are reservists who are students that need to leave quite frequently. There is a need to create an outline for teachers who may not have experience with dealing with these issues. Some schools are more experienced than others due to the numbers of students who serve in the military or as reservists. Bridging this gap is important. This proposal means that students who are reservists will not be penalized. This bill closes a loophole that is in statute. Active duty members that are deployed for greater than 30 days already have options, but when delayed for less than 30 days there is a problem. Allowing these students ways to come back and finish classes and get the grades they deserve will allow them to finish their degrees on time. This gives the reservists the confidence to attend school. Sometimes they decide not to apply because they know they may have a training intensive in a couple of months, and they do not want to have to make up the classes. Often, teachers are not flexible. Students must be given fair and honest assessments of their work and their learning. The bill already provides flexibility for instructors and professors. The most common problem is with four-day mandatory training that tends to occur during the school year. The world today is different as there are more activations and more frequent activations for reasons such as flood control, fire control, tsunamis, and earthquakes. The National Guard needs legislative assistance to help those that are studying.

(In support with concerns) There is a hope that institutions, not individual instructors, will be allowed to craft policies that will really work.

(Opposed) None.

Persons Testifying: (In support) Jackie Sperlich, Associated Students of Central Washington University; Tristan Hanon, Associated Students of Washington State University; Gabriel Bowman, Associated Students of University of Washington - Tacoma; Kathryn Leathers and Kenyon Luce, Washington State Bar Association; and Scott Copeland, State Board for Community and Technical Colleges.

(In support with concerns) Jim Fridley, University of Washington; and Ralph Murphy, The Evergreen State College.

Persons Signed In To Testify But Not Testifying: None.