
SENATE BILL 5343

State of Washington

63rd Legislature

2013 Regular Session

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

Read first time 01/28/13. Referred to Committee on Higher Education.

1 AN ACT Relating to the rights of higher education students involved
2 in military service; and amending RCW 28B.10.270.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 28B.10.270 and 2004 c 161 s 1 are each amended to read
5 as follows:

6 (1) A member of the Washington national guard or any other military
7 reserve component who is a student at an institution of higher
8 education and who is ordered for a period exceeding thirty days to
9 either active state service, as defined in RCW 38.04.010, or to federal
10 active military service has the following rights:

11 (a) With regard to courses in which the person is enrolled, the
12 person may:

13 (i) Withdraw from one or more courses for which tuition and fees
14 have been paid that are attributable to the courses. The tuition and
15 fees must be credited to the person's account at the institution. Any
16 refunds are subject to the requirements of the state or federal
17 financial aid programs of origination. In such a case, the student
18 shall not receive credit for the courses and shall not receive a

1 failing grade, an incomplete, or other negative annotation on the
2 student's record, and the student's grade point average shall not be
3 altered or affected in any manner because of action under this item;

4 (ii) Be given a grade of incomplete and be allowed to complete the
5 course upon release from active duty under the institution's standard
6 practice for completion of incompletes; or

7 (iii) Continue and complete the course for full credit. Class
8 sessions the student misses due to performance of state or federal
9 active military service must be counted as excused absences and must
10 not be used in any way to adversely impact the student's grade or
11 standing in the class. Any student who selects this option is not,
12 however, automatically excused from completing assignments due during
13 the period the student is performing state or federal active military
14 service. A letter grade or a grade of pass must only be awarded if, in
15 the opinion of the faculty member teaching the course, the student has
16 completed sufficient work and has demonstrated sufficient progress
17 toward meeting course requirements to justify the grade;

18 (b) To receive a refund of amounts paid for room, board, and fees
19 attributable to the time period during which the student was serving in
20 state or federal active military service and did not use the facilities
21 or services for which the amounts were paid. Any refund of room,
22 board, and fees is subject to the requirements of the state or federal
23 financial aid programs of origination; and

24 (c) If the student chooses to withdraw, the student has the right
25 to be readmitted and enrolled as a student at the institution, without
26 penalty or redetermination of admission eligibility, within one year
27 following release from the state or federal active military service.

28 (2)(a) A member of the Washington national guard or any other
29 military reserve or guard component who is a student at an institution
30 of higher education and who is ordered for a period of thirty days or
31 less to either active or inactive state or federal service and as a
32 result of that service or follow-up medical treatment for injury
33 incurred during that service misses any class, test, examination,
34 laboratory, or class day on which a written or oral assignment is due,
35 or other event upon which a course grade or evaluation is based, is
36 entitled to make up the class, test, examination, laboratory,
37 presentation, or event without prejudice to the final course grade or

1 evaluation. The makeup must be scheduled after the member's return
2 from service and after a reasonable time for the student to prepare for
3 the test, examination, laboratory, presentation, or event.

4 (b) Class sessions a student misses due to performance of state or
5 federal active or inactive military service must be counted as excused
6 absences and may not be used in any way to adversely impact the
7 student's grade or standing in class.

8 (c) If the faculty member teaching the course determines that the
9 student has completed sufficient work and has demonstrated sufficient
10 progress toward meeting course requirements to justify the grade
11 without making up the class, test, examination, presentation, or other
12 event, the grade may be awarded without the makeup, but the missed
13 class, test, examination, laboratory, class day, presentation, or other
14 event must not be used in any way to adversely impact the student's
15 grade or standing in the class.

16 (3) The protections in this section may be invoked as follows:

17 (a) The person, or an appropriate officer from the military
18 organization in which the person will be serving, must give written
19 notice that the person is being, or has been, ordered to qualifying
20 service; and

21 (b) Upon written request from the institution, the person shall
22 provide written verification of service.

23 ~~((3))~~ (4) This section provides minimum protections for students.
24 Nothing in this section prevents institutions of higher education from
25 providing additional options or protections to students who are ordered
26 to state or federal active military service.

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