

SSB 6302 - H COMM AMD

By Committee on Higher Education

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter
4 28B.10 RCW to read as follows:

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

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

12 (i) Withdraw from one or more courses for which tuition and
13 fees have been paid that are attributable to the courses. The
14 tuition and fees must be credited to the person's account at the
15 institution. Any refunds are subject to the requirements of the
16 state or federal financial aid programs of origination. In such a
17 case, the student shall not receive credit for the courses and
18 shall not receive a failing grade, an incomplete, or other negative
19 annotation on the student's record, and the student's grade point
20 average shall not be altered or affected in any manner because of
21 action under this item;

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

25 (iii) Continue and complete the course for full credit. Class
26 sessions the student misses due to performance of state or federal
27 active military service must be counted as excused absences and
28 must not be used in any way to adversely impact the student's grade
29 or standing in the class. Any student who selects this option is

1 not, however, automatically excused from completing assignments due
2 during the period the student is performing state or federal active
3 military service. A letter grade or a grade of pass must only be
4 awarded if, in the opinion of the faculty member teaching the
5 course, the student has completed sufficient work and has
6 demonstrated sufficient progress toward meeting course requirements
7 to justify the grade;

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

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

19 (2) The protections in this section may be invoked as follows:

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

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

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

30 **Sec. 2.** RCW 28B.15.600 and 2003 c 319 s 1 are each amended to
31 read as follows:

32 (1) The governing boards of the state universities, the
33 regional universities, and The Evergreen State College may refund
34 or cancel in full the tuition and services and activities fees if
35 the student withdraws from a university or college course or
36 program prior to the sixth day of instruction of the quarter or
37 semester for which the fees have been paid or are due. If the
38 student withdraws on or after the sixth day of instruction, the

1 governing boards may refund or cancel up to one-half of the fees,
2 provided such withdrawal occurs within the first thirty calendar
3 days following the beginning of instruction. However, if a
4 different policy is required by federal law in order for the
5 institution of higher education to maintain eligibility for federal
6 funding of programs, the governing board may adopt a refund policy
7 that meets the minimum requirements of the federal law, and the
8 policy may treat all students attending the institution in the same
9 manner. Additionally, if federal law provides that students who
10 receive federal financial aid must return a larger amount to the
11 federal government than that refunded by the institution, the
12 governing board may adopt a refund policy that uses the formula
13 used to calculate the amount returned to the federal government,
14 and the policy may treat all students attending the institution in
15 the same manner.

16 (2) The governing boards of the respective universities and
17 college may adopt rules for the refund of tuition and fees for
18 courses or programs that begin after the start of the regular
19 quarter or semester.

20 (3) The governing boards may extend the refund or cancellation
21 period for students who withdraw for medical reasons ~~((or))~~, shall
22 adopt policies that comply with section 1 of this act for students
23 who are called into the military service of the United States, and
24 may refund other fees pursuant to such rules as they may prescribe.

25 **Sec. 3.** RCW 28B.15.605 and 1995 c 36 s 2 are each amended to
26 read as follows:

27 (1) The governing boards of the community colleges and
28 technical colleges shall refund or cancel up to one hundred percent
29 but no less than eighty percent of the tuition and services and
30 activities fees if the student withdraws from a college course or
31 program before the sixth day of instruction of the regular quarter
32 for which the fees have been paid or are due. If the student
33 withdraws on or after the sixth day of instruction, the governing
34 boards shall refund or cancel up to fifty percent but no less than
35 forty percent of the fees provided such withdrawal occurs within
36 the first twenty calendar days following the beginning of
37 instruction. However, if a different policy is required by federal
38 law in order for the college to maintain eligibility for federal

1 funding of programs, the governing board may adopt a refund policy
2 that meets the minimum requirements of the federal law and the
3 policy may treat all students attending the institution in the same
4 manner.

5 (2) The governing boards of the respective community college or
6 technical college shall adopt rules consistent with subsection (1)
7 of this section for the refund of tuition and fees for the summer
8 quarter and for courses or programs that begin after the start of
9 the regular quarter.

10 (3) The governing boards of community colleges and technical
11 colleges (~~may adopt rules to comply with RCW 28B.15.623 and~~) may
12 extend the refund or cancellation period for students who withdraw
13 for medical reasons (~~or~~) and shall adopt policies that comply
14 with section 1 of this act for students who are called into the
15 military service of the United States.

16 **Sec. 4.** RCW 28B.15.625 and 1991 c 164 s 10 are each amended to
17 read as follows:

18 Private vocational schools and private higher education
19 institutions are encouraged to provide students (~~deployed either~~
20 ~~to the Persian Gulf combat zone, as designated by the president of~~
21 ~~the United States through executive order, or in another location~~
22 ~~in support of the Persian Gulf combat zone, with the choice of~~
23 ~~tuition refunds or one free term, as provided under RCW 28B.10.017~~
24 ~~and 28B.15.623 for~~) who are members of the Washington national
25 guard or any other military reserve component and who are ordered
26 for a period exceeding thirty days into active state service or
27 federal active military service the same rights and opportunities
28 provided under section 1 of this act by public higher education
29 institutions.

30 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of
32 the state government and its existing public institutions, and
33 takes effect immediately."

34 Correct the title accordingly.

EFFECT: New language pertaining to rights of students called into active military duty is placed in the higher education code (RCW 28B.10), where it applies to public institutions of higher education. Private institutions are encouraged to offer the same rights to any student called into active military duty, not just those deployed in a Persian Gulf conflict. Current laws pertaining to tuition refunds and mid-term withdrawal are amended to reflect the new rights for students called to active duty.