
Higher Education Committee

SSB 6302

Brief Description: Establishing additional protections for persons ordered to active military service.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Murray, Schmidt, Rasmussen, Roach, Kastama, Winsley, Haugen and Oke).

Brief Summary of Substitute Bill

- Establishes rights for students enrolled in postsecondary education institutions who are called to active military duty for more than 30 days.
- Permits students to withdraw with a refund of tuition and fees; take an incomplete for a course and complete it on return; or complete the course with a grade and no penalty for missed classes as long as the instructor believes sufficient coursework has been completed.
- Provides refunds of unused room and board.

Hearing Date: 2/24/04

Staff: Barbara McLain (786-7383).

Background:

Higher Education Laws and Policies

Current law establishes parameters for refunds of tuition and fees for students who withdraw from a public institution of higher education before the end of the academic term. However, institutions are also authorized to extend those refund or cancellation periods for students who are called into the military service of the United States. Under this broad authority, two and four-year institutions have adopted policies that cover a number of topics:

1. *Withdrawal from Course/Refund of Tuition.* Virtually all institutions offer students a full refund of tuition and fees and no other withdrawal penalty on their college transcripts if they withdraw from courses as a result of being called to active duty.
2. *Incompletes and Course Credit.* Institution policies vary regarding whether students may receive an incomplete for the course and finish it later or receive full credit and a grade for

the course. This may be left up to the course instructor and may depend on how much of the course the student has completed before being called to active duty.

3. *Readmission.* Students called to active duty are not required to be readmitted to the institution or pay readmission fees if they return within one year of active duty.
4. *Room and Board.* Each of the four-year institutions releases students called to active duty from any housing contract. They also try to accommodate the student's spouse for the remainder of the year for those in married student housing.

Private institutions of higher education and private vocational schools are encouraged to offer students deployed in support of any Persian Gulf combat occurring after 1990 a choice of tuition refunds or one free academic term.

Federal and State Financial Aid

Under guidance from the United States Department of Education (US DOE), higher education institutions and lenders delay student loan repayment requirements for individuals called into active military service. There is also a state law that exempts students engaged in Persian Gulf combat from having to repay unused portions of the State Need Grant if they withdraw before the end of the term.

Military Laws and Policies

The federal Servicemembers Civil Relief Act (SCRA), signed into law in December 2003, provides a number of protections to federal military reservists or National Guard members called into active military service. For example, the SCRA provides protection from evictions, caps of interest rates on loans, and permissions for terminating certain leases. Tuition refunds are not addressed by the SCRA, although the US DOE strongly encourages all colleges and universities to offer full refunds and provide easy and flexible re-enrollment.

Summary of Bill:

Certain rights are created for students of postsecondary education institutions who are members of the Washington National Guard or other military reserve component and who are ordered into active state service or federal active military service for longer than thirty days. After providing documentation of orders, these students may:

1. Withdraw from courses without negative annotation on their transcript and have tuition and fees credited to their account;
2. Be given a grade of incomplete with an opportunity to complete the course upon release from duty; or
3. 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 did not use the facilities or services for which the amounts were paid. 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 and do not preclude institutions from providing additional options or protections for students.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.