
SUBSTITUTE SENATE BILL 6302

State of Washington

58th Legislature

2004 Regular Session

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

READ FIRST TIME 01/29/04.

1 AN ACT Relating to persons ordered to active military service;
2 adding a new section to chapter 38.40 RCW; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 38.40 RCW
5 to read as follows:

6 (1) A member of the Washington national guard or any other military
7 reserve component who is a student at a postsecondary education
8 institution 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 postsecondary
16 institution. Any refunds are subject to the requirements of the state
17 or federal financial aid programs of origination. In such a case, the
18 student shall not receive credit for the courses and shall not receive

1 a 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 postsecondary
6 institution's standard 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 postsecondary
26 education institution, without penalty or redetermination of admission
27 eligibility, within one year following release from the state or
28 federal active military service.

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

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

34 (b) Upon written request from the postsecondary institution, the
35 person shall provide written verification of service.

36 (3) This section provides minimum protections for students.
37 Nothing in this section prevents postsecondary institutions from

1 providing additional options or protections to students who are ordered
2 to state or federal active military service.

3 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 immediately.

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