
SENATE BILL 6302

State of Washington

58th Legislature

2004 Regular Session

By Senators Murray, Schmidt, Rasmussen, Roach, Kastama, Winsley, Haugen and Oke

Read first time 01/16/2004. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to persons ordered to active military service;
2 adding new sections 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 All national guard members ordered to active state service, as
7 defined in RCW 38.04.010, for a period exceeding ninety days or more
8 shall be entitled to the rights, protections, privileges, and
9 immunities afforded under the federal soldiers' and sailors' civil
10 relief act of 1940, as amended.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 38.40 RCW
12 to read as follows:

13 (1) A member of the Washington national guard or any other military
14 reserve component who is a student at a postsecondary education
15 institution and who is ordered for a period exceeding ninety days to
16 either active state service, as defined in RCW 38.04.010, or to federal
17 active military service has the following rights:

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

3 (i) Withdraw from one or more courses for which tuition and fees
4 have been paid that are attributable to the courses. The tuition and
5 fees must be credited to the person's account at the postsecondary
6 institution. Any refunds are subject to the requirements of the state
7 or federal financial aid programs of origination. In such a case, the
8 student shall not receive credit for the courses and shall not receive
9 a failing grade, an incomplete, or other negative annotation on the
10 student's record, and the student's grade point average shall not be
11 altered or affected in any manner because of action under this item;

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

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

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

32 (c) If the student chooses to withdraw, the student has the right
33 to be readmitted and enrolled as a student at the postsecondary
34 education institution, without penalty or redetermination of admission
35 eligibility, within one year following release from the state or
36 federal active military service.

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

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

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

7 (3) This section provides minimum protections for students.
8 Nothing in this section prevents postsecondary institutions from
9 providing additional options or protections to students who are ordered
10 to state or federal active military service.

11 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and takes effect
14 immediately.

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