

SENATE BILL REPORT

HB 1221

As Reported by Senate Committee On:
Higher Education & Workforce Development, March 18, 2011

Title: An act relating to rights of higher education students involved in military service.

Brief Description: Regarding the rights of certain higher education students involved in military service.

Sponsors: Representatives Finn, Rodne, Eddy, Shea, Klippert and Kelley; by request of Washington State Bar Association.

Brief History: Passed House: 2/14/11, 93-0.

Committee Activity: Higher Education & Workforce Development: 3/11/11, 3/18/11 [DP].

SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Tom, Chair; Shin, Vice Chair; Hill, Ranking Minority Member; Becker, Ericksen, Kastama, Kilmer and White.

Staff: Kimberly Cushing (786-7421)

Background: Under current law, students in public institutions of higher education who are ordered to active service for more than 30 days have certain educational rights regarding the courses they are enrolled in. These rights include the ability to withdraw from courses without adverse consequences on their record, receive a grade of incomplete, or continue and complete the course. The student, or an appropriate officer from the military, must give written notice of the student's orders. Institutions of higher education may provide additional options or protections for students in active military service.

Summary of Bill: A student at an institution of higher education who is a member of the Washington National Guard or other military reserve component and is ordered for 30 days or less into active or inactive service is entitled to make up any missed class, test, exam, lab, or event without affecting the final course grade or evaluation. The right to make up any missed class, test, exam, lab, or other event applies whether the student missed school as a result of the service or follow-up medical treatment for an injury that occurred during the service.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The student may be awarded a grade without making up the missed class, test, exam, lab, or other event if the faculty member teaching the course determines that the student has completed sufficient work and has demonstrated sufficient progress to justify the grade. The missed class, test, exam, lab, or other event must not be used to adversely impact the student's class grade or standing.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Washington leads the fleet for many veterans' issues and will be the first state to close the loop hole when someone is deployed for less than 30 days. Domestic missions are almost always 30 days or less and include emergencies such as the recent tsunami, floods, fires, and earthquakes. This bill gives faculty the latitude to decide whether the student completed enough class material to receive a grade. Members of the National Guard are committed to personal and professional development and rely on state institutions to advance their careers. Yet, citizen soldiers do set aside civilian endeavors to respond to state and federal military requirements. In the military, you can not disregard a direct order. However, some professors have refused to allow exams to be rescheduled when soldiers have been called to duty. This bill will make a level playing field. Those who choose to serve should not have barriers in their pursuit to education; they enrich classrooms.

Persons Testifying: PRO: Burt Backman, Employer Support of the Guard and Reserve; Mark San Souci, Department of Defense, State Liaison Office; Scott Copeland, State Board of Community and Technical Colleges; Bob Rudolph, Veteran's Law Center; Brigadier General Bret Daugherty, Commander Washington Army National Guard; Kenyon Luce, Luce, Lineberry & Kenney; Julie Garver, The Evergreen State College.