

# SENATE BILL REPORT

## SB 5343

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As of February 6, 2013

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

**Brief Description:** Concerning the rights of higher education students involved in military service.

**Sponsors:** Senators Bailey, Rivers, Hobbs, Kline, Mullet, Fain, Frockt, Billig, Shin, Tom, Conway and Roach; by request of Washington State Bar Association.

**Brief History:**

**Committee Activity:** Higher Education: 2/05/13.

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### SENATE COMMITTEE ON HIGHER EDUCATION

**Staff:** Katherine Taylor (786-7434)

**Background:** According to Washington law, a member of the Washington National Guard or any other military reserve component who is a student at an institution of higher education and who is ordered for a period exceeding 30 days to either active state service or to federal active military service has the right to:

- withdraw from one or more courses for which tuition and fees have been paid that are attributable to the courses;
- be given a grade of incomplete and be allowed to complete the course upon release from active duty under the institution's standard practice for completion of incompletes; or
- continue and complete the course for full credit.

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

**Summary of Bill:** A member of the Washington National Guard or any other military reserve component who is a student at an institution of higher education and who is ordered for a period of 30 days or less to either active or inactive state or federal service and as a result of that service or a follow-up medical treatment for injury incurred during that service misses any of the following: class, test, examination, laboratory, class day on which a written or oral assignment is due, or other event upon which a course grade or evaluation is

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based, is entitled to make up these events without prejudice to the final course grade or evaluation. The makeup must be scheduled after the member's return from service and after a reasonable time for the student to prepare for the event.

Class sessions a student misses due to performance of military service must be counted as excused absences and may not be used in any way to adversely impact the student's grade or standing in class.

If the faculty member teaching the course determines that the student completed sufficient work and demonstrated sufficient progress toward meeting course requirements to justify the grade without making up the class, test, examination, or other event, the grade may be awarded without the make-up work. However, the missed event must not be used to adversely impact the student's grade or standing in the class.

**Appropriation:** None.

**Fiscal Note:** Available.

**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: This bill closes a loophole and gap in policy. A student could be pulled away for anything from wildfires to earthquakes to tsunamis. We ask for your support. This bill is important. You can plan for deployments but you cannot plan for multiple trainings. Each time you try to enroll for school, something comes up. We are grateful that this bill is coming forward. No one is asking that these students get a free pass. We ask for reasonable accommodations when these students are called away for mandatory duty. This bill allows the reserve to participate in their required duty. Occasionally, there is abuse and people get penalized.

**Persons Testifying:** PRO: Scott Copeland, State Board for Community & Technical Colleges; Ted Wicorek, Veterans Legislative Coalition; Kathryn Leathers, Ken Luce, WA State Bar Assn.; Gabriel Bowman, Associated Students of University of WA Tacoma.