

1 ENROLLED

2 COMMITTEE SUBSTITUTE

3 FOR

4 H. B. 2491

5
6 (By Delegates Iaquinta, Fleischauer, Longstreth,
7 Stephens and Azinger)

8 [Passed April 13, 2013; in effect ninety days from passage.]

9
10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §18B-4-10, relating
12 to providing for uniform course completion for certain higher
13 education students performing certain military service;
14 requiring the Higher Education Policy Commission and the West
15 Virginia Council for Community and Technical College Education
16 to promulgate a joint rule; setting forth elements the rule is
17 to address; and providing a definition for the term "called to
18 military duty".

19 *Be it enacted by the Legislature of West Virginia:*

20 That the Code of West Virginia, 1931, as amended, be amended
21 by adding thereto a new section, designated §18B-4-10, to read as
22 follows:

23 **ARTICLE 4. GENERAL ADMINISTRATION.**

24 **18B-4-10. Course completion for students called to military duty;**

1 **rule required.**

2 (a) As used in this section, "called to military duty" means
3 called or ordered to state or federal active service, inactive-duty
4 training or annual training in any active duty or reserve component
5 of the Armed Forces of the United States or of the National Guard
6 of this state or any other state.

7 (b) In accordance with the provisions of article three-a,
8 chapter twenty-nine-a of this code, the commission and council
9 jointly shall propose and implement a rule providing for uniform
10 course completion for students who are enrolled at the state
11 institutions of higher education under their respective
12 jurisdictions when those students are called to military duty.

13 (1) The rule shall be as uniform among the institutions as is
14 practicable and shall take into consideration the unique conditions
15 or circumstances of each institution.

16 (2) The intent of the rule is to ensure that enrolled students
17 who are called to military duty are afforded a fair and efficient
18 procedure of withdrawing from classes, completing course work or
19 securing a leave of absence from course attendance, when feasible.
20 The rule also shall provide for maintaining the academic integrity
21 of the course work in a manner that is reasonably accommodating to
22 the student under the circumstances.

23 (3) The commission and council shall consider and include the
24 following elements when developing the rule:

1 (A) Discipline appropriate options which allow a student to
2 withdraw from courses without penalty; earn credit for work
3 completed in a course; receive an incomplete grade and make up the
4 course work at a later time; or secure a leave of absence from
5 course attendance;

6 (B) For students who withdraw from classes during an academic
7 term and who do not receive full credit for completing classes in
8 which they are enrolled, provision for obtaining a full or partial
9 refund of tuition, fees and room and board fees paid to the
10 institution; and

11 (C) Other measures as the commission and council consider
12 necessary or effective to support, accommodate and encourage the
13 students to continue and successfully complete their education
14 programs.

15 (c) The rule required by this section is superceded by and may
16 not conflict in any way with the following provisions:

17 (1) Educational leave of absence for active duty National
18 Guard or other reserve components of the Armed Forces as set forth
19 in Section one-a, article one-f, chapter fifteen of this code for
20 students who are subject to these provisions; and

21 (2) Applicable federal laws, rules or regulations.