

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2491**

4
5 (By Delegates Iaquina, Fleischauer, Longstreth,
6 Stephens and Azinger)

7 (Originating in the Committee on Education.)

8 [March 28, 2013]

9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §18B-4-10, relating
12 to establishing a uniform course completion policy for certain
13 higher education students performing certain military service.

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

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

18 **ARTICLE 4. GENERAL ADMINISTRATION.**

19 **§18B-4-10. Course completion policy for students called to**
20 **military duty.**

21 (a) The commission and council jointly shall establish and
22 implement a uniform course completion policy for state institutions
23 of higher education under their respective jurisdictions for
24 students enrolled at the institutions who are called to military

1 duty.

2 (1) The policy shall be as uniform as is practicable among the
3 institutions, taking into consideration the unique conditions or
4 circumstances of each institution.

5 (2) The goal of the policy is to ensure that enrolled students
6 who are called to military duty are afforded a fair and efficient
7 procedure of withdrawing from classes, completing course work or
8 securing a leave of absence from course attendance, when feasible,
9 while also maintaining the academic integrity of the course work
10 and in a manner that is reasonably accommodating to the student
11 under the circumstances.

12 (3) The commission and council shall consider and include the
13 following elements when developing the policy:

14 (A) Discipline appropriate options allowing a student to: (i)
15 Withdraw from courses without penalty; (ii) earn credit for work
16 completed in a course; (iii) receive an incomplete grade and make
17 up the course work at a later time; or (iv) secure a leave of
18 absence from course attendance;

19 (B) For students who withdraw from classes during an academic
20 term who do not receive full credit for completing classes in which
21 they are enrolled, a full or partial refund of tuition, fees and
22 room and board fees paid to the institution; and

23 (C) Such other measures as the commission and council consider
24 necessary or effective to support, accommodate and encourage the

1 students to continue and successfully complete their education
2 programs.

3 (b) The policy developed by the commission and council does
4 not supercede or conflict with the educational leave of absence for
5 active duty provisions for National Guard or other reserve
6 components of the Armed Forces set forth in section one-a, article
7 one-f, chapter fifteen of this code for students who are subject to
8 that section and does not supercede or conflict with applicable
9 federal laws, rules or regulations.

10 (c) As used in this section, "called to military duty" means
11 called or ordered to state or federal active service, inactive-duty
12 training or annual training in any active duty or reserve component
13 of the Armed Forces of the United States or of the National Guard
14 of this state or any other state.