

Senate Bill No. 173

(By Senators Wells, Yost, Jenkins, Fitzsimmons and D. Hall)

[Introduced February 15, 2013; referred to the Committee on
Military; and then to the Committee on Education.]

**Interim
Bill**

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-10, relating to establishing a policy for students enrolled in state institutions of higher education who are called up or ordered to state or federal active service, inactive-duty training or annual training in any active duty or reserve component of the armed forces of the United States or of the National Guard of this state or any other state.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 4. GENERAL ADMINISTRATION.

§18B-4-10. Policy for students called to active service or

1 **training in the military.**

2 (a) The commission and council shall jointly establish and
3 implement a uniform policy for state institutions of higher
4 education under their respective jurisdictions for students
5 enrolled at the institutions who are called or ordered to state or
6 federal active service, inactive-duty training or annual training
7 in any active duty or reserve component of the Armed Forces of the
8 United States or of the National Guard of this state or any other
9 state. The policy shall be as uniform as is practical among the
10 institutions, taking into consideration the unique conditions or
11 circumstances of each institution. The goal of the policy is to
12 ensure that students enrolled in state institutions of higher
13 education who are ordered or called up to state or federal active
14 service, inactive-duty training or annual training in the military
15 are afforded a fair and efficient procedure of: (1) Withdrawing
16 from classes; (2) partially or fully completing course work; or (3)
17 being afforded a leave of absence from course attendance, when
18 feasible, while also maintaining academic integrity of the course
19 work and in a manner that is reasonably accommodating to the
20 student under the circumstances. The policy shall include, but is
21 not limited to, and shall take into consideration the following:

22 (1) Appropriate options allowing the student to: (A) Withdraw
23 from classes without penalty; (B) earn partial or full credit for

1 work completed in a class; (C) receive an incomplete grade and make
2 up the course work at a later time; or (D) be granted a leave of
3 absence from course attendance;

4 (2) For students who withdraw from classes during an academic
5 term who do not receive full credit for completion of classes in
6 which they are enrolled, a full or partial refund of tuition, fees
7 and room and board fees paid to the institution; and

8 (3) Other measures to promote, accommodate and encourage the
9 students to continue and successfully complete their education.

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

NOTE: The purpose of this bill is to establish a uniform policy for students enrolled in institutions of higher education who are called up or ordered to state or federal active service, inactive-duty training or annual training in any active duty or reserve component of the Armed Forces of the United States or of the National Guard of this state or any other state.

This section is new; therefore, strike-throughs and underscoring have been omitted.

This legislation was recommended for introduction and passage

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during the 2013 Regular Session of the Legislature by the
Legislative Select Committee on Veterans' Affairs.