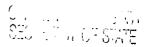


2013 APR 29 PM 5: 12



WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2013

ENROLLED

COMMITTEE SUBSTITUTE FOR

House Bill No. 2491

(By Delegate(s) Iaquinta, Fleischauer, Longstreth, Stephens and Azinger)

Passed April 13, 2013

In effect ninety days from passage.

2013 APR 29 PM 5: 12

ENROLLED

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COMMITTEE SUBSTITUTE

FOR

H. B. 2491

(BY DELEGATE(S) IAQUINTA, FLEISCHAUER, LONGSTRETH,
STEPHENS AND AZINGER)

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

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

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:

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ARTICLE 4. GENERAL ADMINISTRATION.

18B-4-10. Course completion for students called to military duty: rule required.

- 1 (a) As used in this section, "called to military duty" means 2 called or ordered to state or federal active service, inactive-duty 3 training or annual training in any active duty or reserve component of the Armed Forces of the United States or of the 4 5 National Guard of this state or any other state.
- 6 (b) In accordance with the provisions of article three-a, 7 chapter twenty-nine-a of this code, the commission and council jointly shall propose and implement a rule providing for uniform course completion for students who are enrolled at the state 9 10 institutions of higher education under their respective 11 jurisdictions when those students are called to military duty.
 - (1) The rule shall be as uniform among the institutions as is practicable and shall take into consideration the unique conditions or circumstances of each institution.
- (2) The intent of the rule is to ensure that enrolled students 16 who are called to military duty are afforded a fair and efficient 17 procedure of withdrawing from classes, completing course work 18 or securing a leave of absence from course attendance, when 19 feasible. The rule also shall provide for maintaining the 20 academic integrity of the course work in a manner that is reasonably accommodating to the student under the circumstances.
 - (3) The commission and council shall consider and include the following elements when developing the rule:
- 25 (A) Discipline appropriate options which allow a student to 26 withdraw from courses without penalty; earn credit for work 27 completed in a course; receive an incomplete grade and make up 28 the course work at a later time; or secure a leave of absence from 29 course attendance;

- 30 (B) For students who withdraw from classes during an academic term and who do not receive full credit for completing classes in which they are enrolled, provision for obtaining a full or partial refund of tuition, fees and room and board fees paid to the institution; and
- 35 (C) Other measures as the commission and council consider 36 necessary or effective to support, accommodate and encourage 37 the students to continue and successfully complete their 38 education programs.
- 39 (c) The rule required by this section is superceded by and 40 may not conflict in any way with the following provisions:
- 41 (1) Educational leave of absence for active duty National 42 Guard or other reserve components of the Armed Forces as set 43 forth in Section one-a, article one-f, chapter fifteen of this code 44 for students who are subject to these provisions; and
- 45 (2) Applicable federal laws, rules or regulations.

5 [Enr. Com. Sub. For H. B. No. 2491

foregoing bill is correctly enrolled.
Dames Celle
Chairman, House Committee
Men ber Charman, Schale Committee
Originating in the House.
In effect ninety days from passage.
Clerk of the House of Delegates Clerk of the Senate Speaker of the House of Delegates President of the Senate
The within is approved this the 2944
day of
/ / / / / / / / / / / / / / / / / / / /

That Joint Committee on Enrolled Bills hereby certifies that the

PRESENTED TO THE GOVERNOR

APR 2 9 2013

Time 2:10 pm