

COMMITTEE SUBSTITUTE

FOR

H. B. 2491

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

(Originating in the Committee on Education.)

[March 28, 2013]

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 uniform course completion policy for certain higher education students performing certain military service.

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. Course completion policy for students called to military duty.

1 (a) The commission and council jointly shall establish and
2 implement a uniform course completion policy for state
3 institutions of higher education under their respective
4 jurisdictions for students enrolled at the institutions who are
5 called to military duty.

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

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

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

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

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

27 (C) Such other measures as the commission and council
28 consider necessary or effective to support, accommodate and
29 encourage the students to continue and successfully complete
30 their education programs.

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

38 (c) As used in this section, “called to military duty” means
39 called or ordered to state or federal active service, inactive-duty
40 training or annual training in any active duty or reserve
41 component of the Armed Forces of the United States or of the
42 National Guard of this state or any other state.