

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2589

By: Duncan

COMMITTEE SUBSTITUTE

An Act relating to granting to students enrolled in certain institutions who are called to active military service certain rights; allowing student to withdraw from courses and receive a credit; making credit subject to financial aid program requirements; providing for an incomplete grade; allowing student to complete courses with certain conditions; providing for a refund for payment of room and board; making refund subject to financial aid program requirements; allowing student to be readmitted and reenroll without penalty; making rights contingent upon giving advance notice to the institution; making an exception if notice is precluded by military necessity or circumstances; providing for written verification of active service; authorizing an institution to grant additional options or protections to students called or ordered to active service; clarifying term; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2284 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. A student enrolled at an institution within The Oklahoma State System of Higher Education who is a member of the Oklahoma Army or Air National Guard or any other Reserve Component, including the Army, Air Force, Navy, Marine Corps, or Coast Guard Reserves, or any other Armed Forces of the United State Reserve Component, and who is called or ordered to state active service in the Oklahoma National Guard, as defined in Section 72 of Title 44 of the Oklahoma Statutes, or to federal active military service pursuant to 32

U.S.C. Section 502 or 10 U.S.C. Sections 12301 through 12304 or any such subsequent call by the President of the United States or the United State Congress, shall be entitled to:

1. For courses in which the student is enrolled and has paid tuition and fees, the student may:

- a. withdraw from one or more courses and receive a credit equal to the amount of tuition and fees paid to an account for the student at the institution. If the student is receiving any state or federal financial aid, any credit given pursuant to this subparagraph shall be subject to the requirements of financial aid program. If credit cannot be granted because of financial aid program restrictions, the student shall be allowed to withdraw and not receive a failing grade, an incomplete, or other negative annotation on the record of the student and the grade point average of the student shall not be affected,
- b. receive a grade of incomplete and be allowed to complete the course upon release from active duty in accordance with the policy of the institution for completion of incomplete grades, or
- c. continue and complete the course for full credit, with any absences due to performance of state or federal active military service counted as an excused absence. Excused absences because of active military service shall not be used to adversely impact the grade or the class standing of the student. Students electing to continue a course while on active military service may be required to complete assignments due during the period of service. The student shall be awarded a letter grade or grade of pass only if the person teaching the course concludes that the student has

completed sufficient work and has demonstrated sufficient progress toward meeting course requirements to justify the grade;

2. Receive a refund of amounts paid for room, board, and fees attributable to the time period during which the student was serving in state or federal active military service and did not use the facilities or service as determined by the institution. If the student is receiving any state or federal financial aid which has covered all or part of the cost of the room, board, or fees, any refund given pursuant to this paragraph shall be subject to the requirements of financial aid program; and

3. If the student withdraws, be readmitted and reenroll as a student at the institution without penalty or a redetermination of admission eligibility within one (1) year following release from state or federal active military service.

B. The rights granted to students in subsection A of this section shall be contingent upon the student or an appropriate officer from the military organization in which the student is serving, giving advance verbal or written notice that the student is being called or ordered to qualifying active service. Advance notice shall not be required if precluded by military necessity or, under the relevant circumstances, advanced notice is impossible or unreasonable. If advance notice is not provided, upon written request from the institution, the student shall provide the institution written verification of active service.

C. In addition to the rights granted pursuant to this section, an institution within The Oklahoma State System of Higher Education may grant additional options or protections to students who are called or ordered to state or federal active military service.

D. For purposes of this section, a member of a Reserve Component of the Armed Forces of the United States shall include enlisted, warrant officers, and officer personnel.

SECTION 2. This act shall become effective July 1, 2006.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

50-2-9431 KB 02/21/06