

EHB 2589

1 THE STATE SENATE
2 Thursday, April 6, 2006

3 ENGROSSED
4 House Bill No. 2589
5 As Amended

6 ENGROSSED HOUSE BILL NO. 2589 - By: DUNCAN, DANK, DENNEY, PETERSON
7 (Pam), BALKMAN, JONES, TREBILCOCK, CALVEY, KIESEL, LIOTTA, MORGAN
8 (Fred), NATIONS, ROAN, TERRILL, WALKER, WORTHEN and SMITHSON of the
9 House and HOBSON of the Senate.

10 [schools - students called to military service -
11 codification - effective date -
12 emergency]

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

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

17 A. A student enrolled at an institution within The Oklahoma
18 State System of Higher Education who is a member of the Oklahoma
19 Army or Air National Guard or any other Reserve Component, including
20 the Army, Air Force, Navy, Marine Corps, or Coast Guard Reserves, or
21 any other Armed Forces of the United State Reserve Component, and
22 who is called or ordered to state active service in the Oklahoma
23 National Guard, as defined in Section 72 of Title 44 of the Oklahoma
24 Statutes, or to federal active military service pursuant to 32
25 U.S.C., Section 502 or 10 U.S.C., Sections 12301 through 12304, or

1 any such subsequent call by the President of the United States or
2 the United State Congress, shall be entitled to:

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

5 a. withdraw from one or more courses and receive a credit
6 equal to the amount of tuition and fees paid to an
7 account for the student at the institution. If the
8 student is receiving any state or federal financial
9 aid, any credit given pursuant to this subparagraph
10 shall be subject to the requirements of financial aid
11 program. If credit cannot be granted because of
12 financial aid program restrictions, the student shall
13 be allowed to withdraw and not receive a failing
14 grade, an incomplete, or other negative annotation on
15 the record of the student and the grade point average
16 of the student shall not be affected,

17 b. receive a grade of incomplete and be allowed to
18 complete the course upon release from active duty in
19 accordance with the policy of the institution for
20 completion of incomplete grades, or

21 c. continue and complete the course for full credit, with
22 any absences due to performance of state or federal
23 active military service counted as an excused absence.

1 Excused absences because of active military service
2 shall not be used to adversely impact the grade or the
3 class standing of the student. Students electing to
4 continue a course while on active military service may
5 be required to complete assignments due during the
6 period of service. The student shall be awarded a
7 letter grade or grade of pass only if the person
8 teaching the course concludes that the student has
9 completed sufficient work and has demonstrated
10 sufficient progress toward meeting course requirements
11 to justify the grade;

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

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

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

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 4-3-06 - DO PASS,
24 As Amended and Coauthored.