

SENATE BILL NO. 168

INTRODUCED BY E. BUTTREY

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A BILL FOR AN ACT ENTITLED: "AN ACT PROTECTING THE EDUCATIONAL RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE UNITED STATES ARMED FORCES AND THE MONTANA NATIONAL GUARD; CREATING THE MONTANA MILITARY SERVICE HIGHER EDUCATION ACT; AND PROVIDING CERTAIN ACADEMIC AND FINANCIAL PROTECTIONS FOR STUDENTS CALLED TO ACTIVE DUTY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 5 6] may be cited as the "Montana Military Service Higher Education Act".

NEW SECTION. **Section 2. Purpose.** The purpose of [sections 1 through 5 6] is to protect the educational rights of members of the reserve armed forces of the United States and of the Montana national guard who are students at a Montana educational institution and whose education is interrupted by mandatory mobilization to active duty.

NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 5 6], the following definitions apply:

(1) (a) "Active duty" means federally funded duty performed pursuant to orders issued under Title 10 or Title 32 of the United States Code, state active duty performed pursuant to Article VI, section 13, of the Montana constitution, or state duty for special work performed pursuant to 10-1-505.

(b) The term does not include active duty for regularly scheduled weekend or annual training or active duty ordered by request of the service member.

(2) "Educational institution" means an institution of higher education under the jurisdiction of the board of regents.

(3) "Eligible student" means a member of a reserve component of the United States armed forces as defined in 38 U.S.C. 101, or of the Montana national guard as defined in 10-1-101.

(4) "Same academic status" means the same:



- 1 (a) certificate or degree program; and
- 2 (b) standing or progress within a certificate or degree program.

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4 **NEW SECTION. Section 4. Student rights.** (1) An eligible student may not be denied admission or

5 readmission to an educational institution on the basis of the student's membership in the reserve component of

6 the United States armed forces or in the Montana national guard.

7 (2) If an eligible student is ordered to active duty while enrolled in one or more courses at an educational

8 institution, THE FACULTY SHALL CONSIDER, WHEN CONSISTENT WITH ACCREDITATION REQUIREMENTS:

9 ~~(a) if the student has completed 85% of a course's requirements, the student must be allowed to:~~

10 ~~—— (i) accept as a final grade in the course the student's grade at the time the student had to stop course~~

11 ~~work because of the active duty UNLESS THE EDUCATIONAL INSTITUTION CONSIDERS THE MISSED COURSE WORK TO~~

12 ~~BE CRITICAL TO PUBLIC SAFETY OR HEALTH; or~~

13 ~~—— (ii) withdraw from the course and receive financial credit as provided in [section 5].~~

14 ~~—— (b) if the student has completed less than 85% of a course's requirements, the student must be allowed~~

15 ~~to withdraw from the course and receive financial credit as provided in [section 5].~~

16 (A) ASSIGNING AS A FINAL GRADE IN THE COURSE THE STUDENT'S GRADE IN THE COURSE AT THE TIME THE

17 STUDENT WAS CALLED TO ACTIVE DUTY, IF, IN THE FACULTY'S JUDGMENT, ENOUGH OF THE COURSE REQUIREMENTS HAVE

18 BEEN COMPLETED;

19 (B) ASSIGNING AN INCOMPLETE IN THE COURSE AND EXTENDING THE PERIOD OF TIME IN WHICH THE STUDENT MAY

20 COMPLETE COURSE REQUIREMENTS; OR

21 (C) ALLOWING THE STUDENT TO WITHDRAW FROM THE COURSE AND RECEIVE FINANCIAL CREDIT AS PROVIDED

22 IN [SECTION 5].

23 (3) If an eligible student reenrolls in one or more courses at an educational institution within 12 months

24 after returning from the active duty that interrupted the student's previous enrollment at the institution, the student

25 must, to the extent possible, be readmitted with the same academic status that the student had when ordered

26 to active duty, unless the student requests or agrees to admission with a different academic status.

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28 **NEW SECTION. Section 5. Financial credit -- readmission fees prohibited -- refund.** (1) EXCEPT

29 AS PROVIDED IN SUBSECTION (2):

30 ~~(+)(A)~~ If an eligible student reenrolls at an educational institution within 12 months after returning from

1 the active duty that interrupted the student's previous enrollment at the institution, the student must receive
2 financial credit for the amount of tuition and fees previously paid by or on behalf of the student for any course or
3 courses the student withdrew from pursuant to [section 4].

4 ~~(2)(B)~~ The student must be allowed to apply the amount of the financial credit toward any tuition and fees
5 charged for courses the student enrolls in after being readmitted to the institution.

6 ~~(3)(C)~~ The student may not be charged any readmission fees.

7 ~~(4)(D)~~ If a student does not reenroll within the timeframe required under subsection (1) due to an illness
8 or injury, including post-traumatic stress disorder, documented by a licensed physician and incurred while
9 performing the active duty, the student is entitled to a refund of the amount of the tuition and fees previously paid
10 by or on behalf of the student for any course or courses the student withdrew from pursuant to [section 4].

11 (2) IF THE PROVISIONS OF SUBSECTION (1) ARE INCONSISTENT WITH THE REQUIREMENTS OF A FINANCIAL AID
12 PROVIDER, THE HIGHER EDUCATION INSTITUTION MUST PROVIDE THE STUDENT WITH THE GREATEST BENEFIT ALLOWABLE
13 UNDER THE REQUIREMENTS OF THE PROVIDER.

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15 NEW SECTION. SECTION 6. POLICY TO ENSURE STUDENT PROTECTIONS. THE COMMISSIONER OF HIGHER
16 EDUCATION MAY DEVELOP A POLICY FOR ACTION BY THE BOARD OF REGENTS THAT IS CONSISTENT WITH THE GOALS AND
17 STEPS IN [SECTIONS 1 THROUGH 5] TO ENSURE ACADEMIC PROTECTIONS FOR STUDENTS CALLED TO ACTIVE DUTY.

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19 NEW SECTION. Section 7. Codification instruction. [Sections 1 through 5 6] are intended to be
20 codified as an integral part of Title 20, chapter 25, and the provisions of Title 20, chapter 25, apply to [sections
21 1 through 5 6].

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