



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; PROVIDING CERTAIN ACADEMIC AND FINANCIAL PROTECTIONS FOR STUDENTS CALLED TO ACTIVE DUTY; AND PROVIDING AN EFFECTIVE DATE.

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

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

Section 2. Purpose. The purpose of [sections 1 through 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.

Section 3. Definitions. As used in [sections 1 through 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:

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

Section 4. Student rights. (1) An eligible student may not be denied admission or readmission to an educational institution on the basis of the student's membership in the reserve component of the United States armed forces or in the Montana national guard.

(2) If an eligible student is ordered to active duty while enrolled in one or more courses at an educational institution, the faculty shall, when consistent with accreditation requirements:

(a) assign a final passing grade in the course if, in the faculty's judgment, enough of the course requirements have been completed;

(b) assign an incomplete in the course and extending the period of time in which the student may complete course requirements; or

(c) allow the student to withdraw from the course and receive financial credit as provided in [section 5].

(3) If an eligible student reenrolls in one or more courses at an educational institution within 12 months after returning from the active duty that interrupted the student's previous enrollment at the institution, the student must, to the extent possible, be readmitted with the same academic status that the student had when ordered to active duty, unless the student requests or agrees to admission with a different academic status.

Section 5. Financial credit -- readmission fees prohibited -- refund. (1) Except as provided in subsection (2):

(a) If an eligible student reenrolls at an educational institution within 12 months after returning from the active duty that interrupted the student's previous enrollment at the institution, the student must receive financial credit for the amount of tuition and fees previously paid by or on behalf of the student for any course or courses the student withdrew from pursuant to [section 4].

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

(c) The student may not be charged any readmission fees.

(d) If a student does not reenroll within the timeframe required under subsection (1) due to an illness or injury, including post-traumatic stress disorder, documented by a licensed physician and incurred while

performing the active duty, the student is entitled to a refund of the amount of the tuition and fees previously paid by or on behalf of the student for any course or courses the student withdrew from pursuant to [section 4].

(2) If the provisions of subsection (1) are inconsistent with the requirements of a financial aid provider, the higher education institution must provide the student with the greatest benefit allowable under the requirements of the provider.

Section 6. Policy to ensure student protections. The commissioner of higher education may develop a policy for action by the board of regents that is consistent with the goals and steps in [sections 1 through 5] to ensure academic protections for students called to active duty.

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

Section 8. Effective date. [This act] is effective August 1, 2015.

- END -

I hereby certify that the within bill,
SB 0168, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2015.

Speaker of the House

Signed this _____ day
of _____, 2015.

SENATE BILL NO. 168

INTRODUCED BY E. BUTTREY

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