

HOUSE BILL NO. 553

INTRODUCED BY G. NIKOLAKAKOS, P. ELVERUM, B. BARKER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE MILITARY HIGHER EDUCATION ACT; REQUIRING FACULTY TO PROVIDE A MAKE-UP OPPORTUNITY FOR COURSEWORK MISSED BY AN ELIGIBLE STUDENT BECAUSE OF INACTIVE DUTY TRAINING OR ANNUAL TRAINING; DEFINING "INACTIVE DUTY TRAINING" AND "ANNUAL TRAINING"; REQUIRING THE ELIGIBLE STUDENT TO PROVIDE NOTICE TO THE FACULTY PRIOR TO THE ABSENCE FOR INACTIVE DUTY TRAINING OR ANNUAL TRAINING; AND AMENDING SECTIONS 20-1-603 AND 20-1-604, MCA."

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

**Section 1.** Section 20-1-603, MCA, is amended to read:

**"20-1-603. Definitions.** As used in this part, 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) "Annual training" means federally funded duty performed pursuant to Title 10, U.S.C., or Title 32, U.S.C.

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

(3)(4) "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.

(5) "Inactive duty training" means federally funded duty performed pursuant to Title 10, U.S.C., or Title 32, U.S.C.

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

(a) certificate or degree program; and

(b) standing or progress within a certificate or degree program."

**Section 2.** Section 20-1-604, MCA, is amended to read:

**"20-1-604. 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 extend 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 20-1-605.

(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.

(4) (A) If an eligible student misses an assignment, exam, midterm, or final because of inactive duty training or annual training while enrolled in one or more courses at an educational institution, THE ELIGIBLE STUDENT SHALL PROVIDE NOTICE OF THE ABSENCE AT LEAST 5 BUSINESS DAYS AHEAD OF TIME TO THE COURSE FACULTY, UNLESS A SHORTER NOTICE PERIOD IS REQUIRED BECAUSE OF MILITARY NECESSITY.

(B) IF THE ELIGIBLE STUDENT PROVIDES NOTICE PURSUANT TO SUBSECTION (4)(A), the faculty shall, when consistent with accreditation requirements, give the eligible student at least 15 business days to make up the missed assignment, exam, midterm, or final, UNLESS THE EDUCATIONAL INSTITUTION CERTIFIES THAT A SHORTER

1     MAKE-UP PERIOD IS NECESSARY TO COMPLY WITH FEDERAL FINANCIAL AID REQUIREMENTS OR GRADUATION  
2     REQUIREMENTS.  
3             (C)     IF AN EDUCATIONAL INSTITUTION CERTIFIES A NEED FOR A SHORTER MAKE-UP PERIOD PURSUANT TO  
4     SUBSECTION (4)(B), THE MAKE-UP PERIOD MAY NOT BE LESS THAN 5 BUSINESS DAYS."  
5   - END -