



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4927/1
ARG:ahe

2017 ASSEMBLY BILL 769

December 19, 2017 - Introduced by Representatives DUCHOW, ANDERSON, BALLWEG, BRANDTJEN, R. BROOKS, HORLACHER, JAGLER, KITCHENS, KOOYENGA, KREMER, KUGLITSCH, NOVAK, ROHRKASTE, TAUCHEN, THIESFELDT, TITTL, TRANEL, TUSLER, VANDERMEER, KNODL, RIPP and NEYLON, cosponsored by Senators STROEBEL, MILLER, TESTIN, DARLING, ROTH and VUKMIR. Referred to Committee on Veterans and Military Affairs.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber* 36.11 (47) (a), 36.11 (47) (b), 38.12 (13) (a), 38.12 (13) (b)
2 and 39.48 (2); *to amend* 36.11 (47) (intro.), 36.27 (2) (br) 2., 38.12 (13) (intro.),
3 39.48 (intro.) and 39.48 (1); and *to create* 36.11 (47) (d), 38.12 (13) (d), 39.48
4 (2m) (intro.) and (a) and 39.48 (3) of the statutes; **relating to:** requirements for
5 colleges when service member students are called into active duty.

Analysis by the Legislative Reference Bureau

This bill makes changes relating to the responsibilities of colleges to national guard members and other service members who withdraw from school because they are called into active military service.

Current law provides certain protections to a student of a University of Wisconsin System school, technical college, or private nonprofit college who is a national guard member or a member of a reserve unit of the U.S. armed forces and who withdraws from school because he or she is called into active military service for at least 30 days. Under these protections, the school or college must reenroll the student in the semester in which the student is discharged, demobilized, or deactivated or, if the student prefers, in the following semester and give the student the same course registration priority that the student would have had if the student had registered at the beginning of the registration period. In addition, if the student is enrolled in a UW System school or technical college, at the student's request, the school or college must either 1) reimburse all tuition and fees paid for courses from which the student had to withdraw, and for prorated room and board at a UW System

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school; or 2) grant the student an incomplete in the courses from which the student had to withdraw and allow the student to complete the courses within six months after leaving service without paying additional tuition or fees. If the student is enrolled in a private nonprofit college, the college must grant the student an incomplete and allow course completion as described in 2), above.

This bill affords these protections to students called into active military service for any period, not just for 30 days or more, and regardless of whether the call is with or without the consent of the student. The bill also expands these protections to students at all private institutions, not only nonprofit institutions, and provides these students with the option, instead of receiving an incomplete and completing courses later, to obtain reimbursement of tuition and fees paid for courses from which the student had to withdraw and of prorated room and board. The bill also requires schools and colleges to ensure that the student is provided a reasonable opportunity to complete final projects and final examinations for all courses in which the scheduled end date of the course is not more than 30 days after the date of the order calling the student into active service.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 36.11 (47) (intro.) of the statutes is amended to read:

2 36.11 **(47)** ARMED FORCES. (intro.) If a student who is a member of a national
3 guard or a member of a reserve unit of the U.S. armed forces withdraws from school
4 after September 11, 2001, because he or she is called, with or without his or her
5 consent, into state active duty or into active service with the U.S. armed forces for
6 ~~at least 30 days~~, the board shall ~~reenroll~~ do all of the following:

7 (am) Reenroll the student beginning in the semester in which he or she is
8 discharged, demobilized, or deactivated from active duty or the next succeeding
9 semester, whichever the student prefers, ~~shall give~~.

10 (bm) Give the student the same priority in registering for courses that the
11 student would have had if he or she had registered for courses at the beginning of the
12 registration period, ~~and, at~~.

ASSEMBLY BILL 769**SECTION 1**

1 (c) At the student's request, do one of the following for all courses from which
2 the student had to withdraw:

3 **SECTION 2.** 36.11 (47) (a) of the statutes is renumbered 36.11 (47) (c) 1.

4 **SECTION 3.** 36.11 (47) (b) of the statutes is renumbered 36.11 (47) (c) 2.

5 **SECTION 4.** 36.11 (47) (d) of the statutes is created to read:

6 36.11 (47) (d) Ensure that the student is provided a reasonable opportunity to
7 complete final projects and final examinations for all courses in which the scheduled
8 end date of the course is not more than 30 days after the date of the order calling the
9 student into active duty or service.

10 **SECTION 5.** 36.27 (2) (br) 2. of the statutes, as created by 2017 Wisconsin Act
11 59, is amended to read:

12 36.27 (2) (br) 2. If a student receiving the exemption under this paragraph
13 withdraws from an institution during a semester or session because he or she is
14 called into state active duty or into active service with the U.S. armed forces ~~for at~~
15 ~~least 30 days~~, the student is entitled to the exemption under this paragraph if he or
16 she reenrolls in an institution during the semester in which he or she is discharged,
17 demobilized, or deactivated from active duty or in the next succeeding semester.

18 **SECTION 6.** 38.12 (13) (intro.) of the statutes is amended to read:

19 38.12 (13) ARMED FORCES. (intro.) If a student who is a member of a national
20 guard or a member of a reserve unit of the U.S. armed forces withdraws from school
21 after September 11, 2001, because he or she is called, with or without his or her
22 consent, into state active duty or into active service with the U.S. armed forces ~~for~~
23 ~~at least 30 days~~, the district board shall ~~reenroll~~ do all of the following:

ASSEMBLY BILL 769**SECTION 6**

1 (am) Reenroll the student beginning in the semester in which he or she is
2 discharged, demobilized, or deactivated from active duty or the next succeeding
3 semester, whichever the student prefers, ~~shall give.~~

4 (bm) Give the student the same priority in registering for courses that the
5 student would have had if he or she had registered for courses at the beginning of the
6 registration period, ~~and, at.~~

7 (c) At the student's request, do one of the following for all courses from which
8 the student had to withdraw:

9 **SECTION 7.** 38.12 (13) (a) of the statutes is renumbered 38.12 (13) (c) 1.

10 **SECTION 8.** 38.12 (13) (b) of the statutes is renumbered 38.12 (13) (c) 2.

11 **SECTION 9.** 38.12 (13) (d) of the statutes is created to read:

12 **38.12 (13) (d)** Ensure that the student is provided a reasonable opportunity to
13 complete final projects and final examinations for all courses in which the scheduled
14 end date of the course is not more than 30 days after the date of the order calling the
15 student into active duty or service.

16 **SECTION 10.** 39.48 (intro.) of the statutes is amended to read:

17 **39.48 Armed forces.** (intro.) If a student who is a member of a national guard
18 or a member of a reserve unit of the U.S. armed forces withdraws from a private
19 nonprofit college or university located in this state, or from a school approved by the
20 department of safety and professional services under s. 440.52 or the educational
21 approval board under s. 38.50, 2015 stats., or authorized by the distance learning
22 authorization board under s. 39.86, after September 11, 2001, because he or she is
23 called, with or without his or her consent, into state active duty or into active service
24 with the U.S. armed forces ~~for at least 30 days, the college or, university, or school~~
25 shall, ~~at the student's request,~~ do all of the following:

