

HB 2491

2013 APR 29 PM 5:12

SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2013



**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 2491**

(By Delegate(s) Iaquina, Fleischauer,  
Longstreth, Stephens and Azinger)



Passed April 13, 2013

In effect ninety days from passage.

2013 APR 29 PM 5:12

**E N R O L L E D**

SEL

WEST VIRGINIA  
STATE

COMMITTEE SUBSTITUTE

FOR

**H. B. 2491**

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(BY DELEGATE(S) IAQUINTA, FLEISCHAUER, LONGSTRETH,  
STEPHENS AND AZINGER)

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[Passed April 13, 2013; in effect ninety days from passage.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-4-10, relating to providing for uniform course completion for certain higher education students performing certain military service; requiring the Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education to promulgate a joint rule; setting forth elements the rule is to address; and providing a definition for the term “called to military duty”.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18B-4-10, to read as follows:

**ARTICLE 4. GENERAL ADMINISTRATION.**

**18B-4-10. Course completion for students called to military duty; rule required.**

1 (a) As used in this section, "called to military duty" means  
2 called or ordered to state or federal active service, inactive-duty  
3 training or annual training in any active duty or reserve  
4 component of the Armed Forces of the United States or of the  
5 National Guard of this state or any other state.

6 (b) In accordance with the provisions of article three-a,  
7 chapter twenty-nine-a of this code, the commission and council  
8 jointly shall propose and implement a rule providing for uniform  
9 course completion for students who are enrolled at the state  
10 institutions of higher education under their respective  
11 jurisdictions when those students are called to military duty.

12 (1) The rule shall be as uniform among the institutions as is  
13 practicable and shall take into consideration the unique  
14 conditions or circumstances of each institution.

15 (2) The intent of the rule is to ensure that enrolled students  
16 who are called to military duty are afforded a fair and efficient  
17 procedure of withdrawing from classes, completing course work  
18 or securing a leave of absence from course attendance, when  
19 feasible. The rule also shall provide for maintaining the  
20 academic integrity of the course work in a manner that is  
21 reasonably accommodating to the student under the  
22 circumstances.

23 (3) The commission and council shall consider and include  
24 the following elements when developing the rule:

25 (A) Discipline appropriate options which allow a student to  
26 withdraw from courses without penalty; earn credit for work  
27 completed in a course; receive an incomplete grade and make up  
28 the course work at a later time; or secure a leave of absence from  
29 course attendance;

30 (B) For students who withdraw from classes during an  
31 academic term and who do not receive full credit for completing  
32 classes in which they are enrolled, provision for obtaining a full  
33 or partial refund of tuition, fees and room and board fees paid to  
34 the institution; and

35 (C) Other measures as the commission and council consider  
36 necessary or effective to support, accommodate and encourage  
37 the students to continue and successfully complete their  
38 education programs.

39 (c) The rule required by this section is superceded by and  
40 may not conflict in any way with the following provisions:

41 (1) Educational leave of absence for active duty National  
42 Guard or other reserve components of the Armed Forces as set  
43 forth in Section one-a, article one-f, chapter fifteen of this code  
44 for students who are subject to these provisions; and

45 (2) Applicable federal laws, rules or regulations.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Donny Wells*

Chairman, House Committee

Member *Rocky Ferguson*  
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Gregg R. Smith*

Clerk of the House of Delegates

*Joseph M. Minard*

Clerk of the Senate

*[Signature]*

Speaker of the House of Delegates

*Jeffrey V. Jeff*

President of the Senate

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OFFICE OF THE CLERK OF THE SENATE

The within is approved this the 29th  
day of April, 2013.

*Carl Ray Tomblin*  
Governor

PRESENTED TO THE GOVERNOR

APR 29 2013

Time 2:10 pm