

REFERENCE TITLE: **excused military absences; higher education**

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# **SB 1406**

Introduced by  
Senator Gowan

**AN ACT**

**AMENDING TITLE 26, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 26-168.01; RELATING TO THE NATIONAL GUARD.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 26, chapter 1, article 3, Arizona Revised  
3 Statutes, is amended by adding section 26-168.01, to read:

4 26-168.01. Excused military absences; higher education:  
5 definition

6 A. A MEMBER OF THE NATIONAL GUARD OF THIS STATE OR ANY OTHER STATE  
7 OR OF THE UNITED STATES ARMED FORCES RESERVES WHO IS A STUDENT AT AN  
8 INSTITUTION OF HIGHER EDUCATION IN THIS STATE AND WHO IS ORDERED TO EITHER  
9 STATE OR FEDERAL RESERVE COMPONENT DUTY MAY DO ANY OF THE FOLLOWING:

10 1. WITHDRAW FROM ONE OR MORE COURSES FOR WHICH TUITION AND FEES  
11 HAVE BEEN PAID. THE TUITION AND FEES MUST BE CREDITED TO THE STUDENT'S  
12 ACCOUNT AT THE INSTITUTION. ANY REFUNDS ARE SUBJECT TO THE REQUIREMENTS  
13 OF THE STATE OR FEDERAL FINANCIAL AID PROGRAMS OF ORIGIN. THE STUDENT MAY  
14 NOT RECEIVE CREDIT FOR THE COURSES AND MAY NOT RECEIVE A FAILING GRADE, AN  
15 INCOMPLETE OR ANOTHER NEGATIVE ANNOTATION ON THE STUDENT'S RECORD AND THE  
16 STUDENT'S GRADE POINT AVERAGE MAY NOT BE ALTERED OR AFFECTED IN ANY MANNER  
17 BECAUSE OF THE STUDENT'S WITHDRAWAL UNDER THIS SUBSECTION.

18 2. RECEIVE A GRADE OF INCOMPLETE AND BE ALLOWED TO COMPLETE THE  
19 COURSE ON RELEASE FROM RESERVE COMPONENT DUTY UNDER THE INSTITUTION'S  
20 STANDARD PRACTICE FOR COMPLETION OF INCOMPLETES.

21 3. CONTINUE AND COMPLETE THE COURSE FOR FULL CREDIT. CLASS SESSIONS  
22 THE STUDENT MISSES DUE TO PERFORMING STATE OR FEDERAL RESERVE COMPONENT  
23 DUTY MUST BE COUNTED AS EXCUSED ABSENCES AND MAY NOT BE USED IN ANY WAY TO  
24 ADVERSELY IMPACT THE STUDENT'S GRADE OR STANDING IN THE CLASS. ANY  
25 STUDENT WHO SELECTS THIS OPTION IS NOT AUTOMATICALLY EXCUSED FROM  
26 COMPLETING ASSIGNMENTS DUE DURING THE PERIOD THE STUDENT IS PERFORMING  
27 STATE OR FEDERAL RESERVE COMPONENT DUTY. A LETTER GRADE OR A GRADE OF  
28 PASS MAY BE AWARDED ONLY IF THE FACULTY MEMBER TEACHING THE COURSE  
29 DETERMINES THAT THE STUDENT HAS COMPLETED A SUFFICIENT AMOUNT OF WORK AND  
30 HAS DEMONSTRATED SUFFICIENT PROGRESS TOWARD MEETING COURSE REQUIREMENTS TO  
31 JUSTIFY THE GRADE.

32 4. RECEIVE A REFUND FOR ANY AMOUNT PAID FOR ROOM, BOARD AND FEES  
33 ATTRIBUTABLE TO THE TIME PERIOD DURING WHICH THE STUDENT SERVED IN STATE  
34 OR FEDERAL RESERVE COMPONENT DUTY AND DID NOT USE THE FACILITIES OR  
35 SERVICES FOR WHICH THE AMOUNTS WERE PAID. ANY REFUND FOR ROOM, BOARD AND  
36 FEES IS SUBJECT TO THE REQUIREMENTS OF THE STATE OR FEDERAL FINANCIAL AID  
37 PROGRAMS OF ORIGIN.

38 5. WITHDRAW AND BE READMITTED AND ENROLLED AS A STUDENT AT THE  
39 INSTITUTION, WITHOUT PENALTY OR REDETERMINATION OF ADMISSION ELIGIBILITY,  
40 WITHIN ONE YEAR AFTER THE STUDENT'S RELEASE FROM STATE OR FEDERAL RESERVE  
41 COMPONENT DUTY.

42 B. A MEMBER OF THE NATIONAL GUARD OF THIS STATE OR ANY OTHER STATE  
43 OR OF THE UNITED STATES ARMED FORCES RESERVES WHO IS A STUDENT AT AN  
44 INSTITUTION OF HIGHER EDUCATION IN THIS STATE, WHO IS ORDERED TO EITHER  
45 STATE OR FEDERAL RESERVE COMPONENT DUTY AND AS A RESULT OF THAT SERVICE OR

1 FOLLOW-UP MEDICAL TREATMENT FOR AN INJURY INCURRED DURING THAT SERVICE,  
2 MISSES ANY TEST, EXAMINATION, LABORATORY, PRESENTATION OR CLASS DAY ON  
3 WHICH A WRITTEN OR ORAL ASSIGNMENT IS DUE OR OTHER EVENT ON WHICH A COURSE  
4 GRADE OR EVALUATION IS BASED MAY MAKE UP THE TEST, EXAMINATION,  
5 LABORATORY, PRESENTATION, CLASS OR EVENT WITHOUT PREJUDICE TO THE FINAL  
6 COURSE GRADE OR EVALUATION. THE MAKEUP ACTIVITY MUST BE SCHEDULED AFTER  
7 THE STUDENT'S RETURN FROM RESERVE COMPONENT DUTY AND AFTER A REASONABLE  
8 AMOUNT OF TIME FOR THE STUDENT TO PREPARE FOR THE TEST, EXAMINATION,  
9 LABORATORY, PRESENTATION, CLASS OR EVENT.

10 C. FOR CLASS SESSIONS A STUDENT MISSES DUE TO PERFORMING STATE OR  
11 FEDERAL RESERVE COMPONENT DUTY, THE INSTITUTION OF HIGHER EDUCATION SHALL  
12 EXCUSE THE STUDENT'S ABSENCES AND NOT USE THESE EXCUSED ABSENCES IN ANY  
13 WAY TO ADVERSELY IMPACT THE STUDENT'S GRADE OR STANDING IN CLASS.

14 D. IF THE FACULTY MEMBER TEACHING THE COURSE DETERMINES THAT THE  
15 STUDENT HAS COMPLETED A SUFFICIENT AMOUNT OF WORK AND HAS DEMONSTRATED  
16 SUFFICIENT PROGRESS TOWARD MEETING COURSE REQUIREMENTS TO JUSTIFY THE  
17 GRADE WITHOUT MAKING UP THE TEST, EXAMINATION, LABORATORY, PRESENTATION,  
18 CLASS OR EVENT, A GRADE MAY BE AWARDED WITHOUT THE MAKEUP ACTIVITY AND THE  
19 MISSED TEST, EXAMINATION, LABORATORY, PRESENTATION, CLASS OR EVENT MAY NOT  
20 BE USED IN ANY WAY TO ADVERSELY IMPACT THE STUDENT'S GRADE OR STANDING IN  
21 THE CLASS.

22 E. THE PROTECTIONS IN THIS SECTION MAY BE INVOKED AS FOLLOWS:

23 1. THE STUDENT OR AN APPROPRIATE OFFICER FROM THE MILITARY  
24 ORGANIZATION IN WHICH THE STUDENT WILL BE SERVING MUST GIVE WRITTEN NOTICE  
25 THAT THE STUDENT IS BEING OR HAS BEEN ORDERED TO RESERVE COMPONENT DUTY AS  
26 PRESCRIBED IN THIS SECTION.

27 2. ON WRITTEN REQUEST FROM THE INSTITUTION OF HIGHER EDUCATION, THE  
28 STUDENT SHALL PROVIDE WRITTEN VERIFICATION OF SERVICE.

29 F. THIS SECTION DOES NOT PREVENT INSTITUTIONS OF HIGHER EDUCATION  
30 FROM PROVIDING ADDITIONAL OPTIONS OR PROTECTIONS TO STUDENTS WHO ARE  
31 ORDERED TO STATE OR FEDERAL RESERVE COMPONENT DUTY.

32 G. FOR THE PURPOSES OF THIS SECTION, "INSTITUTION OF HIGHER  
33 EDUCATION" MEANS:

34 1. A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF  
35 REGENTS.

36 2. A COMMUNITY COLLEGE AS DEFINED IN SECTION 15-1401.

37 3. A PRIVATE UNIVERSITY.