

Senate Engrossed

excused military absences; higher education

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

SENATE BILL 1406

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 OR A PERSON WHO IS THE SPOUSE OF A
10 MEMBER OF THE NATIONAL GUARD OF THIS STATE OR ANY OTHER STATE OR THE
11 UNITED STATES ARMED FORCES RESERVES, WHO IS A STUDENT AT AN INSTITUTION OF
12 HIGHER EDUCATION IN THIS STATE AND WHOSE SPOUSE IS ORDERED TO EITHER STATE
13 OR FEDERAL RESERVE COMPONENT DUTY, WHETHER THE MEMBER OR SPOUSE IS
14 ATTENDING CLASS IN PERSON OR ONLINE AND WHETHER THE MEMBER IS STATIONED IN
15 OR OUTSIDE OF THIS STATE, MAY DO ANY OF THE FOLLOWING:

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

24 2. DEPENDING ON WHEN THE MEMBER IS ORDERED TO EITHER STATE OR
25 FEDERAL RESERVE COMPONENT DUTY AND DEPENDING ON THE INDIVIDUAL STUDENT'S
26 NEEDS, RECEIVE A GRADE OF INCOMPLETE AND BE ALLOWED TO COMPLETE THE COURSE
27 IF THE COURSE IS BEING OFFERED AT THE TIME TO OTHER STUDENTS ON RELEASE
28 FROM RESERVE COMPONENT DUTY UNDER THE INSTITUTION'S STANDARD PRACTICE FOR
29 COMPLETION OF INCOMPLETES.

30 3. IN ACCORDANCE WITH ANY ACADEMIC UNIT OR INSTITUTION OF HIGHER
31 EDUCATION REQUIREMENTS OR IN COMPLIANCE WITH ACCREDITATION OR
32 CERTIFICATION STANDARDS, WHEN APPLICABLE, CONTINUE AND COMPLETE THE COURSE
33 FOR FULL CREDIT. CLASS SESSIONS THE STUDENT MISSES DUE TO STATE OR FEDERAL
34 RESERVE COMPONENT DUTY MUST BE COUNTED AS EXCUSED ABSENCES AND MAY NOT BE
35 USED IN ANY WAY TO ADVERSELY IMPACT THE STUDENT'S GRADE OR STANDING IN THE
36 CLASS. ANY STUDENT WHO SELECTS THIS OPTION IS NOT AUTOMATICALLY EXCUSED
37 FROM COMPLETING ASSIGNMENTS DUE DURING THE PERIOD THE STUDENT OR STUDENT'S
38 SPOUSE IS PERFORMING STATE OR FEDERAL RESERVE COMPONENT DUTY. A LETTER
39 GRADE OR A GRADE OF PASS MAY BE AWARDED ONLY IF THE FACULTY MEMBER
40 TEACHING THE COURSE DETERMINES THAT THE STUDENT HAS COMPLETED A SUFFICIENT
41 AMOUNT OF WORK AND HAS DEMONSTRATED SUFFICIENT PROGRESS TOWARD MEETING
42 COURSE REQUIREMENTS TO JUSTIFY THE GRADE.

43 4. RECEIVE A REFUND FOR ANY AMOUNT PAID FOR ROOM, BOARD AND FEES
44 ATTRIBUTABLE TO THE TIME PERIOD DURING WHICH THE STUDENT OR STUDENT'S
45 SPOUSE SERVED IN STATE OR FEDERAL RESERVE COMPONENT DUTY AND DID NOT USE

1 THE FACILITIES OR SERVICES FOR WHICH THE AMOUNTS WERE PAID. ANY REFUND
2 FOR ROOM, BOARD AND FEES IS SUBJECT TO THE REQUIREMENTS OF THE STATE OR
3 FEDERAL FINANCIAL AID PROGRAMS OF ORIGIN.

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

8 B. A MEMBER OF THE NATIONAL GUARD OF THIS STATE OR ANY OTHER STATE
9 OR OF THE UNITED STATES ARMED FORCES RESERVES WHO IS A STUDENT AT AN
10 INSTITUTION OF HIGHER EDUCATION IN THIS STATE, WHO IS ORDERED TO EITHER
11 STATE OR FEDERAL RESERVE COMPONENT DUTY AND AS A RESULT OF THAT SERVICE OR
12 FOLLOW-UP MEDICAL TREATMENT FOR AN INJURY INCURRED DURING THAT SERVICE,
13 MISSES ANY TEST, EXAMINATION, LABORATORY, PRESENTATION OR CLASS DAY ON
14 WHICH A WRITTEN OR ORAL ASSIGNMENT IS DUE OR OTHER EVENT ON WHICH A COURSE
15 GRADE OR EVALUATION IS BASED MAY MAKE UP THE TEST, EXAMINATION,
16 LABORATORY, PRESENTATION, CLASS OR EVENT WITHOUT PREJUDICE TO THE FINAL
17 COURSE GRADE OR EVALUATION. THE MAKEUP ACTIVITY MUST BE SCHEDULED AFTER
18 THE STUDENT'S RETURN FROM RESERVE COMPONENT DUTY AND AFTER A REASONABLE
19 AMOUNT OF TIME FOR THE STUDENT TO PREPARE FOR THE TEST, EXAMINATION,
20 LABORATORY, PRESENTATION, CLASS OR EVENT.

21 C. FOR CLASS SESSIONS A STUDENT DESCRIBED IN SUBSECTION A OF THIS
22 SECTION MISSES DUE TO STATE OR FEDERAL RESERVE COMPONENT DUTY, THE
23 INSTITUTION OF HIGHER EDUCATION SHALL EXCUSE THE STUDENT'S ABSENCES AND
24 NOT USE THESE EXCUSED ABSENCES IN ANY WAY TO ADVERSELY IMPACT THE
25 STUDENT'S GRADE OR STANDING IN CLASS.

26 D. IF THE FACULTY MEMBER TEACHING THE COURSE DETERMINES THAT THE
27 STUDENT HAS COMPLETED A SUFFICIENT AMOUNT OF WORK AND HAS DEMONSTRATED
28 SUFFICIENT PROGRESS TOWARD MEETING COURSE REQUIREMENTS TO JUSTIFY THE
29 GRADE WITHOUT MAKING UP THE TEST, EXAMINATION, LABORATORY, PRESENTATION,
30 CLASS OR EVENT, A GRADE MAY BE AWARDED WITHOUT THE MAKEUP ACTIVITY AND THE
31 MISSED TEST, EXAMINATION, LABORATORY, PRESENTATION, CLASS OR EVENT MAY NOT
32 BE USED IN ANY WAY TO ADVERSELY IMPACT THE STUDENT'S GRADE OR STANDING IN
33 THE CLASS.

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

35 1. IF THE STATE OR FEDERAL RESERVE COMPONENT DUTY IS KNOWN IN
36 ADVANCE, THE STUDENT MUST SUBMIT EVIDENCE DOCUMENTING THE STATE OR FEDERAL
37 RESERVE COMPONENT DUTY TO THE FACULTY MEMBER TEACHING THE COURSE EARLY IN
38 THE SEMESTER OR AS SOON AS PRACTICABLE BEFORE THE MISSED CLASS, ASSIGNMENT
39 OR EXAMINATION. IF THE STATE OR FEDERAL RESERVE COMPONENT DUTY IS NOT
40 KNOWN IN ADVANCE, THE STUDENT IS RESPONSIBLE FOR PROVIDING EVIDENCE OF THE
41 STATE OR FEDERAL RESERVE COMPONENT DUTY TO THE FACULTY MEMBER TEACHING THE
42 COURSE AS SOON AS PRACTICABLE AFTER THE MISSED CLASS, ASSIGNMENT OR
43 EXAMINATION.

44 2. THE STUDENT OR AN APPROPRIATE OFFICER FROM THE MILITARY
45 ORGANIZATION IN WHICH THE STUDENT OR STUDENT'S SPOUSE WILL BE SERVING MUST

1 GIVE WRITTEN NOTICE THAT THE STUDENT OR STUDENT'S SPOUSE IS BEING OR HAS
2 BEEN ORDERED TO RESERVE COMPONENT DUTY AS PRESCRIBED IN THIS SECTION.

3 3. ON WRITTEN REQUEST FROM THE INSTITUTION OF HIGHER EDUCATION, THE
4 STUDENT SHALL PROVIDE WRITTEN VERIFICATION OF SERVICE.

5 F. THIS SECTION DOES NOT PREVENT INSTITUTIONS OF HIGHER EDUCATION
6 FROM PROVIDING ADDITIONAL OPTIONS OR PROTECTIONS TO STUDENTS DESCRIBED IN
7 SUBSECTION A OF THIS SECTION WHO ARE ORDERED TO STATE OR FEDERAL RESERVE
8 COMPONENT DUTY.

9 G. FOR THE PURPOSES OF THIS SECTION, "INSTITUTION OF HIGHER
10 EDUCATION" MEANS:

11 1. A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
12 REGENTS.

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

14 3. A PRIVATE UNIVERSITY.