



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3716/1
ARG:ahe

2019 ASSEMBLY BILL 361

August 12, 2019 - Introduced by Representatives DUCHOW, BRANDTJEN, PETERSEN, JAGLER, KURTZ, MAGNAFICI, GUNDRUM, PETRYK, VORPAGEL, HORLACHER, JAMES, TUSLER, QUINN, LOUDENBECK, SPIROS, ZIMMERMAN, KUGLITSCH, SINICKI, MURPHY, WICHGERS, EDMING, DITTRICH and KNODL, cosponsored by Senators STROEBEL, L. TAYLOR, CRAIG, MARKLEIN, WIRCH, JACQUE and CARPENTER. Referred to Committee on Colleges and Universities.

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. 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, under specified circumstances, to ensure that students called into active military service are provided a reasonable opportunity to complete final projects and final examinations.

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 into state active duty or into
5 active service with the U.S. armed forces ~~for at least 30 days~~, the board shall reenroll
6 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 361**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 unless such an accommodation cannot be
10 reasonably made.

11 **SECTION 5.** 36.27 (2) (br) 2. of the statutes 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 into state active duty or into
22 active service with the U.S. armed forces ~~for at least 30 days~~, the district board shall
23 reenroll do all of the following:

ASSEMBLY BILL 361**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 unless such an accommodation cannot be
16 reasonably made.

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

18 **39.48 Armed forces.** (intro.) If a student who is a member of a national guard
19 or a member of a reserve unit of the U.S. armed forces withdraws from a private
20 nonprofit college or university located in this state, or from a school approved by the
21 department of safety and professional services under s. 440.52 or the educational
22 approval board under s. 38.50, 2015 stats., or authorized by the distance learning
23 authorization board under s. 39.86, after September 11, 2001, because he or she is
24 called into state active duty or into active service with the U.S. armed forces ~~for at~~

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1 ~~least 30 days, the college or, university, or school shall, at the student's request, do~~
2 all of the following:

3 **SECTION 11.** 39.48 (1) of the statutes is amended to read:

4 39.48 (1) Reenroll the student beginning in the semester in which he or she is
5 discharged, demobilized, or deactivated from active duty or the next succeeding
6 semester, whichever the student prefers, ~~and give.~~

7 (1m) Give the student the same priority in registering for courses that the
8 student would have had if he or she had registered for courses at the beginning of the
9 registration period.

10 **SECTION 12.** 39.48 (2) of the statutes is renumbered 39.48 (2m) (b).

11 **SECTION 13.** 39.48 (2m) (intro.) and (a) of the statutes are created to read:

12 39.48 (2m) (intro.) At the student's request, do one of the following for all
13 courses from which the student had to withdraw:

14 (a) Reimburse the student all tuition and fees paid for all the courses and a
15 prorated portion of room and board payments.

16 **SECTION 14.** 39.48 (3) of the statutes is created to read:

17 39.48 (3) Ensure that the student is provided a reasonable opportunity to
18 complete final projects and final examinations for all courses in which the scheduled
19 end date of the course is not more than 30 days after the date of the order calling the
20 student into active duty or service unless such an accommodation cannot be
21 reasonably made.

22 (END)