CHAPTER 48

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

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

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

A. A member of the National Guard of this State or any other state or of the United States Armed Forces reserves who is a student at an institution of higher education in this State and who is ordered to either state or federal reserve component duty or a person who is the spouse of a member of the National Guard of this State or any other state or the United States Armed Forces reserves, who is a student at an institution of higher education in this State and whose spouse is ordered to either state or federal reserve component duty, whether the member or spouse is attending class in person or online and whether the member is stationed in or outside of this State, may do any of the following:

1. Withdraw from one or more courses for which tuition and fees have been paid. The tuition and fees must be credited to the student's account at the institution. Any refunds are subject to the requirements of the state or federal financial aid programs of origin. The student may not receive credit for the courses and may not receive a failing grade, an incomplete or another negative annotation on the student's record and the student's grade point average may not be altered or affected in any manner because of the student's withdrawal under this subsection.

2. Depending on when the member is ordered to either state or federal reserve component duty and depending on the individual student's needs, receive a grade of incomplete and be allowed to complete the course if the course is being offered at the time to other students on release from reserve component duty under the institution's standard practice for completion of incompletes.

3. In accordance with any academic unit or institution of higher education requirements or in compliance with accreditation or certification standards, when applicable, continue and complete the course for full credit. Class sessions the student misses due to state or federal reserve component duty must be counted as excused absences and may not be used in any way to adversely impact the student's grade or standing in the class. Any student who selects this option is not automatically excused from completing assignments due during the period the student or student's spouse is performing state or federal reserve component duty. A letter grade or a grade of pass may be awarded only if the faculty member teaching the course determines that the student has completed a sufficient amount of work and has demonstrated sufficient progress toward meeting course requirements to justify the grade.

4. Receive a refund for any amount paid for room, board and fees attributable to the time period during which the student or student's spouse served in state or federal reserve component duty and did not use...
THE FACILITIES OR SERVICES FOR WHICH THE AMOUNTS WERE PAID. ANY REFUND
FOR ROOM, BOARD AND FEES IS SUBJECT TO THE REQUIREMENTS OF THE STATE OR
FEDERAL FINANCIAL AID PROGRAMS OF ORIGIN.

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

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

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

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

E. THE PROTECTIONS IN THIS SECTION MAY BE INVOKED AS FOLLOWS:
1. IF THE STATE OR FEDERAL RESERVE COMPONENT DUTY IS KNOWN IN
ADVANCE, THE STUDENT MUST SUBMIT EVIDENCE DOCUMENTING THE STATE OR FEDERAL
RESERVE COMPONENT DUTY TO THE FACULTY MEMBER TEACHING THE COURSE EARLY IN
THE SEMESTER OR AS SOON AS PRACTICABLE BEFORE THE MISSED CLASS, ASSIGNMENT
OR EXAMINATION. IF THE STATE OR FEDERAL RESERVE COMPONENT DUTY IS NOT
KNOWN IN ADVANCE, THE STUDENT IS RESPONSIBLE FOR PROVIDING EVIDENCE OF THE
STATE OR FEDERAL RESERVE COMPONENT DUTY TO THE FACULTY MEMBER TEACHING THE
COURSE AS SOON AS PRACTICABLE AFTER THE MISSED CLASS, ASSIGNMENT OR
EXAMINATION.

2. THE STUDENT OR AN APPROPRIATE OFFICER FROM THE MILITARY
ORGANIZATION IN WHICH THE STUDENT OR STUDENT'S SPOUSE WILL BE SERVING MUST
GIVE WRITTEN NOTICE THAT THE STUDENT OR STUDENT'S SPOUSE IS BEING OR HAS BEEN ORDERED TO RESERVE COMPONENT DUTY AS PRESCRIBED IN THIS SECTION.

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

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

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

1. A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS.
3. A PRIVATE UNIVERSITY.

APPROVED BY THE GOVERNOR MARCH 23, 2022.