

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 85 of the Regular Session

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: H1/28/05

**A Bill**

HOUSE BILL 1201

5 By: Representatives George, Roebuck, Wood, D. Creekmore

6 By: Senators Wilkinson, J. Bookout, Trusty, T. Smith  
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**For An Act To Be Entitled**

10 AN ACT TO ASSIST STUDENTS AT STATE-SUPPORTED  
11 POSTSECONDARY EDUCATIONAL INSTITUTIONS WHO ARE  
12 CALLED INTO MILITARY SERVICE; AND FOR OTHER  
13 PURPOSES.  
14

**Subtitle**

15 TO ASSIST STUDENTS AT STATE-SUPPORTED  
16 POSTSECONDARY EDUCATIONAL INSTITUTIONS  
17 WHO ARE CALLED INTO MILITARY SERVICE.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 6-61-112 is amended to read as follows:

24 6-61-112. Students called into military service.

25 ~~(a) When any person is activated for full-time military service during~~  
26 ~~a time of national crisis and therefore is required to cease attending a~~  
27 ~~state-supported postsecondary educational institution without completing and~~  
28 ~~receiving a grade in one (1) or more courses, the following assistance shall~~  
29 ~~be required with regard to courses not completed:~~

30 ~~(1) Such student shall receive a complete refund of tuition and~~  
31 ~~such general fees as are assessed against all students at the institution.~~

32 ~~(A) Proportionate refunds of room, board, and other fees~~  
33 ~~which were paid to the institution shall be provided to the student, based on~~  
34 ~~the date of withdrawal.~~

35 ~~(B) If an institution contracts for services covered by~~



1 ~~fees which have been paid by and refunded to the student, the contractor~~  
2 ~~shall provide a like refund to the institution.~~

3 ~~(2) If the institution has a policy of repurchasing textbooks,~~  
4 ~~students shall be offered the maximum price, based on condition, for the~~  
5 ~~textbooks associated with such courses.~~

6 ~~(b) When a student is required to cease attendance because of such~~  
7 ~~military activation without completing and receiving a grade in one (1) or~~  
8 ~~more courses, the institution shall provide a reasonable opportunity for~~  
9 ~~completion of the courses after deactivation.~~

10 ~~(c) A student activated during the course of a semester shall be~~  
11 ~~entitled, within a period of two (2) years following deactivation, to free~~  
12 ~~tuition for one (1) semester at the institution where attendance had been~~  
13 ~~interrupted unless federal aid is made available for the same purpose.~~

14 (a) A student who ceases attendance at a state-supported postsecondary  
15 educational institution without completing and receiving a grade in one (1)  
16 or more courses due to military activation or deployment shall receive  
17 compensation for the resulting monetary loss as provided under this section.

18 (b) To be eligible for the compensation described under this section,  
19 the student must provide, prior to activation or deployment, an original or  
20 official copy of the military activation or deployment orders to the  
21 registrar or other designated school official of the state-supported  
22 postsecondary educational institution at which the student is enrolled at the  
23 time of military activation or deployment.

24 (c)(1) The student shall choose from one (1) of the following three  
25 (3) compensatory options regarding tuition:

26 (A) A complete refund of tuition and general fees that are  
27 assessed against all students at the institution;

28 (B) At least one (1) year to complete the course work  
29 after the student's deactivation; or

30 (C)(i) Free tuition for one (1) semester at the  
31 institution where the student's attendance was interrupted, unless federal  
32 aid is made available to compensate the student for the resulting monetary  
33 loss related to the student's activation or deployment.

34 (ii) Federal aid shall not include Pell Grants,  
35 other federal grants, or other monetary benefits paid to the student directly  
36 or at the student's direction.

1 (iii) If a student is activated or deployed during a  
2 semester, the student shall not receive more than one (1) semester of free  
3 tuition under this subdivision (c)(1)(C).

4 (2) This subsection shall not allow a student to recover any  
5 amount in excess of the student's actual monetary loss.

6 (d)(1) The student shall receive a proportionate refund of room, board,  
7 and other fees that were paid to the institution, based on the date of the  
8 student's notice of withdrawal from the institution.

9 (2) If an institution contracts for room, board, or other  
10 services from a third party, then the third-party contractor shall provide a  
11 refund to the institution for the services or fees in an amount equal to the  
12 student's monetary loss under subsection (c)(1);

13 (e) The student shall receive the maximum price, based on condition,  
14 for the textbooks related to the uncompleted courses, if the institution has  
15 a policy of repurchasing textbooks.

16 (f)(1) A student's eligibility for a state-supported scholarship,  
17 grant, or loan for attendance at a postsecondary educational institution  
18 shall not be affected by the student's failure to complete any course work  
19 because of military activation or deployment.

20 (2) The Department of Higher Education shall adopt the necessary  
21 rules to ensure that state-supported scholarship, grant, and loan programs  
22 comply with the provisions of this section.

23 (g)(1) For each fiscal year, each state-supported institution of  
24 higher education in the state shall report the type and amount of  
25 compensatory options provided under this section to the Department of Higher  
26 Education.

27 (2) The Department of Higher Education shall report to the House  
28 Interim Committee on Aging, Children and Youth, Legislative and Military  
29 Affairs, and the Senate Interim Committee on Children and Youth regarding the  
30 type and amount of compensatory options provided under this section by each  
31 state-supported institution of higher education no later than October 1 of  
32 each year beginning in 2006 and each year thereafter.

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34 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
35 General Assembly of the State of Arkansas that since September 11, 2001,  
36 members of the National Guard and Reserves are being called into active duty

1 more frequently for homeland security duties, for duties related to the fight  
2 against terrorism, and for peacekeeping efforts in Iraq; that one of the main  
3 recruiting tools used to attract young men and women into military service in  
4 the National Guard and Reserves is the offer of financial aid for college  
5 tuition and expenses; that students who are members of the National Guard or  
6 Reserves are often activated or deployed, which interrupts their educational  
7 pursuits and causes them monetary losses; that this act is immediately  
8 necessary to prevent the soldiers who serve our country from incurring  
9 monetary losses because of their service. Therefore, an emergency is  
10 declared to exist and this act being immediately necessary for the  
11 preservation of the public peace, health, and safety shall become effective  
12 on:

- 13 (1) The date of its approval by the Governor;  
14 (2) If the bill is neither approved nor vetoed by the Governor,  
15 the expiration of the period of time during which the Governor may veto the  
16 bill; or  
17 (3) If the bill is vetoed by the Governor and the veto is  
18 overridden, the date the last house overrides the veto.

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*/s/ George, et al*

**APPROVED: 2/08/2005**

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