

108TH CONGRESS  
1ST SESSION

# S. 447

To amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2003

Ms. LANDRIEU introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Reservist Opportuni-  
5       ties and Protection of Education Act”.

6       **SEC. 2. LEAVE OF ABSENCE FOR MILITARY SERVICE.**

7       (a) OBLIGATION AS PART OF PROGRAM PARTICIPA-  
8       TION REQUIREMENTS.—Section 487(a)(22) of the Higher

1 Education Act of 1965 (20 U.S.C. 1094(a)(22)) is amend-  
2 ed by inserting “and with the policy on leave of absence  
3 for active duty military service established pursuant to  
4 section 484C” after “section 484B”.

5 (b) LEAVE OF ABSENCE FOR MILITARY SERVICE.—  
6 Part G of title IV of the Higher Education Act of 1965  
7 is amended by inserting after section 484B (20 U.S.C.  
8 1091b) the following new section:

9 **“SEC. 484C. LEAVE OF ABSENCE FOR MILITARY SERVICE.**

10 “(a) LEAVE OF ABSENCE REQUIRED.—Whenever a  
11 student who is a member of the National Guard or other  
12 reserve component of the Armed Forces of the United  
13 States, or a member of such Armed Forces in a retired  
14 status, is called or ordered to active duty, the institution  
15 of higher education in which the student is enrolled shall  
16 grant the student a military leave of absence from the in-  
17 stitution while such student is serving on active duty, and  
18 for one year after the conclusion of such service.

19 “(b) CONSEQUENCES OF MILITARY LEAVE OF AB-  
20 SENCE.—

21 “(1) PRESERVATION OF STATUS AND AC-  
22 COUNTS.—A student on a military leave of absence  
23 from an institution of higher education shall be enti-  
24 tled, upon release from serving on active duty, to be  
25 restored to the educational status such student had

1 attained prior to being ordered to such duty without  
2 loss of academic credits earned, scholarships or  
3 grants awarded, or, subject to paragraph (2), tuition  
4 and other fees paid prior to the commencement of  
5 the active duty.

6 “(2) REFUNDS.—

7 “(A) OPTION OF REFUND OR CREDIT.—An  
8 institution of higher education shall refund tui-  
9 tion or fees paid or credit the tuition and fees  
10 to the next period of enrollment after the stu-  
11 dent returns from a military leave of absence,  
12 at the option of the student. Notwithstanding  
13 the 180-day limitation referred to in section  
14 484B(a)(2)(B), a student on a military leave of  
15 absence under this section shall not be treated  
16 as having withdrawn for purposes of section  
17 484B unless the student fails to return at the  
18 end of the military leave of absence (as deter-  
19 mined under subsection (a) of this section).

20 “(B) PROPORTIONATE REDUCTION OF RE-  
21 FUND FOR TIME COMPLETED.—If a student re-  
22 quests a refund during a period of enrollment,  
23 the percentage of the tuition and fees that shall  
24 be refunded shall be equal to 100 percent  
25 minus—

1           “(i) the percentage of the period of  
2           enrollment (for which the tuition and fees  
3           were paid) that was completed (as deter-  
4           mined in accordance with section 484B(d))  
5           as of the day the student withdrew, pro-  
6           vided that such date occurs on or before  
7           the completion of 60 percent of the period  
8           of enrollment; or

9           “(ii) 100 percent, if the day the stu-  
10          dent withdrew occurs after the student has  
11          completed 60 percent of the period of en-  
12          rollment.

13          “(c) ACTIVE DUTY.—In this section, the term ‘active  
14          duty’ has the meaning given such term in section  
15          101(d)(1) of title 10, United States Code, except that such  
16          term—

17                 “(1) does not include active duty for training or  
18          attendance at a service school; but

19                 “(2) includes, in the case of members of the  
20          National Guard, active State duty.”.

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