

Introduced by Senator CorreaFebruary 17, 2010

An act to amend Sections 821 and 824 of the Military and Veterans Code, relating to military service.

LEGISLATIVE COUNSEL'S DIGEST

SB 1075, as introduced, Correa. Military service: benefits.

The California Military Families Financial Relief Act of 2005 provides certain protections for service members of the military, as defined. These protections include, for a student granted an academic leave of absence for military service, a requirement that the academic institution, at the student's election, credit the student's tuition and fee charges toward a subsequent academic term or refund tuition and fees paid, as specified.

This bill would, as an alternative to the above protections for a student granted an academic leave of absence for military service, require an institution, upon election by the student, to make arrangements to accommodate and assist the student so that he or she is able to meet any and all coursework requirements that he or she may have missed due to compulsory military service.

The bill would revise the definition of "service member" and "military service" for purposes of the California Military Families Financial Relief Act, and would make other related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 821 of the Military and Veterans Code
2 is amended to read:

3 821. For purposes of this chapter, the following definitions
4 apply:

5 (a) “Service member” means both of the following:

6 (1) Members of the militia ~~called or~~, *as defined in Section 120,*
7 *ordered into active state military service by the Governor pursuant*
8 *to Section 143 or 146 or into active federal military service by the*
9 *President of the United States pursuant to Title 10 or 32 of the*
10 *United States Code.*

11 (2) Reservists of the United States Military Reserve who have
12 ~~been called~~ *ordered to full-time federal active duty by the President*
13 *of the United States pursuant to Title 10 of the United States Code.*

14 (b) “Military service” means full-time active state ~~service duty~~
15 *of a member of the militia, as defined in paragraph (1) of*
16 *subdivision (a), or full-time active federal service for a period of*
17 *30 consecutive days of a member of the militia, as defined in*
18 *paragraph (1) of subdivision (a), or full-time federal active duty*
19 *of a reservist, as defined in paragraph (2) of subdivision (a), for a*
20 *period of 30 consecutive days.*

21 SEC. 2. Section 824 of the Military and Veterans Code is
22 amended to read:

23 824. (a) If requested by a student granted an academic leave
24 of absence for military service, not later than one year after the
25 student’s release from military service, other than a dishonorable
26 release, the institution in which the student is enrolled shall do
27 ~~either one~~ of the following, as elected by the student:

28 (1) *The institution shall make arrangements to accommodate*
29 *and assist the student so that he or she is able to meet any and all*
30 *coursework requirements that he or she may have missed due to*
31 *compulsory military service.*

32 ~~(1) Credit~~

33 (2) *The institution shall credit tuition and fee charges toward a*
34 *subsequent academic term in an amount that is equal to 100 percent*
35 *of what the student paid the institution for the academic term in*
36 *which the student withdraws is required to report for compulsory*
37 *military service.*

38 ~~(2) Refund~~

1 (3) *The institution shall refund* tuition and fees paid for the
2 academic term, provided the student withdraws before the withdraw
3 date established by the institution. The refund shall equal 100
4 percent of the tuition and fee charges the student paid the institution
5 for the academic term. If the student withdraws after the withdraw
6 date established by the institution, the student is ineligible for a
7 refund of tuition and fee charges. For the purposes of this section,
8 the “withdraw date” shall be the same as the date set by the
9 institution for its general student population to withdraw from the
10 institution or a course or class without academic penalty.

11 (b) If requested by a student granted an academic leave of
12 absence for military service, not later than one year after the
13 student’s release from military service, other than a dishonorable
14 release, the institution shall restore the student to the educational
15 status the student had attained prior to being called to military
16 service without loss of academic credits earned, scholarships or
17 grants awarded, or tuition and other fees paid prior to the
18 commencement of military service, except as provided in
19 subdivision (a).

20 (c) If an institution fails to comply with this section, the student
21 may bring an action against the institution to enforce its provisions
22 in any court of competent jurisdiction of the county in which the
23 student resides. If the student resides outside of this state, the action
24 shall be brought in the court of the county in which the campus of
25 the institution previously attended by the student is located. The
26 court may award reasonable attorney’s fees and expenses if the
27 student prevails in the action.

28 (d) The Legislature hereby requests that the University of
29 California adopt policies similar to those set forth in this section.