

AMENDED IN SENATE APRIL 15, 2010

SENATE BILL

No. 1075

Introduced by Senator Correa

February 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 amended, 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, *as defined*.

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~~ *either* of the following:

6 (1) ~~Members~~ *A member* of the militia, as defined in Section
7 120, ~~called or ordered into active state military service by the~~
8 ~~Governor pursuant to Section 143 or 146 or into active federal~~
9 ~~military service by the President of the United States to Section~~
10 ~~143 or 146, or in federal or state military service pursuant to Title~~
11 ~~10 or 32 of the United States Code.~~

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

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

22 (b) *“Military service” means either of the following:*

23 (1) *Full-time active state service or full-time active federal*
24 *service of a service member who is a member of the militia, as*
25 *described in paragraph (1) of subdivision (a).*

26 (2) *Full-time active duty of a service member who is a reservist,*
27 *as described in paragraph (2) of subdivision (a), for a period of*
28 *30 consecutive days.*

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

31 824. (a) If requested by a student granted an academic leave
32 of absence for military service, not later than one year after the
33 student’s release from military service, other than a dishonorable
34 release, the institution in which the student is enrolled shall do one
35 of the following, as elected by the student:

36 (1) The institution shall make arrangements to accommodate
37 and assist the student so that he or she is able to meet any and all

1 coursework requirements that he or she may have missed due to
2 ~~compulsory~~ military service.

3 (2) The institution shall credit tuition and fee charges toward a
4 subsequent academic term in an amount that is equal to 100 percent
5 of what the student paid the institution for the academic term in
6 which the student is required to report for ~~compulsory~~ military
7 service.

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

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

27 (c) If an institution fails to comply with this section, the student
28 may bring an action against the institution to enforce its provisions
29 in any court of competent jurisdiction of the county in which the
30 student resides. If the student resides outside of this state, the action
31 shall be brought in the court of the county in which the campus of
32 the institution previously attended by the student is located. The
33 court may award reasonable attorney’s fees and expenses if the
34 student prevails in the action.

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

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