

Senate Bill No. 1075

CHAPTER 284

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

[Approved by Governor September 23, 2010. Filed with
Secretary of State September 24, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1075, 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, as defined, upon election by the student, to make arrangements to reasonably 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 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 of 2005, and would make other related changes.

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

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

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

(a) "Service member" means either of the following:

(1) A member of the militia, as defined in Section 120, called or ordered into state military service pursuant to Section 143 or 146, or in federal or state military service pursuant to Title 10 or 32 of the United States Code.

(2) A reservist of the United States Military Reserve who has been ordered to full-time federal active duty by the President of the United States pursuant to Title 10 of the United States Code.

(b) "Military service" means either of the following:

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

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

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

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

(1) The institution shall make arrangements to reasonably 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 military service.

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

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

(b) If requested by a student granted an academic leave of absence for military service, not later than one year after the student's release from military service, other than a dishonorable release, the institution shall restore the student to the educational status the student had attained prior to being called to military service without loss of academic credits earned, scholarships or grants awarded, or tuition and other fees paid prior to the commencement of military service.

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

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

(e) For purposes of this section, "institution" includes any public postsecondary educational institution and any private postsecondary educational institution, as defined in Section 94858 of the Education Code.