

Assembly Bill No. 636

Passed the Assembly August 25, 2011

Chief Clerk of the Assembly

Passed the Senate August 22, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 636, Knight. Military service: benefits.

Existing law provides certain protections for members of the National Guard ordered into active state service by the Governor or active federal service by the President of the United States for emergency purposes, and for reservists called to active duty, as specified, including requiring that specified institutions that grant a student a military leave of absence make arrangements to reasonably accommodate and assist the student in meeting coursework requirements missed due to military service, credit the student's tuition and fee charges toward a subsequent academic term, or grant a refund of tuition and fees paid by the student for the academic term provided the student withdraws from the institution by a specified date, at the student's election.

This bill would revise the conditions for a tuition and fees refund to remove the requirement of the student's withdrawal by a specified date. The bill would also require any refund toward an academic term to equal 100% of the tuition and fees paid to the institution for the academic term in which the student was required to report for military service, regardless of whether the student was called to military service before the academic term had commenced or after the academic term had commenced.

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

SECTION 1. 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 refund the tuition and fees paid by the student for the academic term in which the student is required to report for military service regardless of whether the student was called to military service before the academic term had commenced or after the academic term had commenced. The refund shall equal 100 percent of the tuition and fee charges the student paid the institution for the applicable academic term.

(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.

Approved _____, 2011

Governor