

AMENDED IN ASSEMBLY JULY 13, 2011

AMENDED IN ASSEMBLY JUNE 23, 2011

AMENDED IN SENATE MAY 19, 2011

AMENDED IN SENATE MARCH 21, 2011

**SENATE BILL**

**No. 537**

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**Introduced by Senator Correa**

February 17, 2011

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An act to amend Sections 500, 500.1, 501, 502, 502.1, 502.2, 502.5, 503, 504, 506, 507, 508, 509, 510, 511, 511.5, 512, 513, 514, 515, 516, 516.1, 517, 518, 519, 520, 520.1, 530, and 531 of, to add Sections 502.3 and 532 to, and to repeal and add Section 505 of, the Military and Veterans Code, relating to the military.

LEGISLATIVE COUNSEL'S DIGEST

SB 537, as amended, Correa. California Cadet Corps.

Existing law establishes in state government the Military Department, which includes, among others, the Office of the Adjutant General, the California National Guard, and the California Cadet Corps. Existing law establishes various duties for these officers and entities. Existing law generally authorizes the organization of a cadet company at each college, community college, high school, and each senior high school in this state having 100 or more students of 14 years of age or over under such rules and regulations as the governing body of the schools and the Adjutant General may prescribe, and authorizes the Adjutant General to appoint officers in the California Cadet Corps for duty in each community college, high school, junior high school, or elementary school under the jurisdiction of the governing board.

This bill would authorize the organization of a California Cadet Corps at each college, community college, or school where there is not currently a J.R.O.T.C. or R.O.T.C. program, and under such rules and regulations as the governing body of the schools and the Adjutant General may prescribe. This bill would also authorize the Adjutant General to appoint officers, warrant officers, and noncommissioned officers for duty in each college, community college, or school under the jurisdiction of the governing board, and require that their pay, allowances, and expenses be disbursed from the college, community college, or school in which they serve. This bill would authorize the Adjutant General to order those officers to temporary state active duty to perform functions in support of the California Cadet Corps. Additionally, this bill authorizes the Governor, upon recommendation of the Adjutant General, to appoint Special Project Officers, warrant officers, and noncommissioned officers for service in the California Cadet Corps, and authorizes the Adjutant General to adopt rules and regulations for the promotion of officers, warrant officers, and noncommissioned officers of the California Cadet Corps.

Existing law authorizes members of the California Cadet Corps to use California National Guard rifle ranges.

This bill would authorize members of the California Cadet Corps to use California National Guard facilities for training purposes.

Existing law authorizes any executive officer, assistant executive officer, supervisor of cadet instruction, or officer hurt in the line of duty to receive workers' compensation, as provided. Existing law creates a presumption that the average yearly earning of such individual is not less than \$2,500.

This bill would authorize any executive officer, assistant executive officer, advisor, officer, warrant officer, or noncommissioned officer hurt in the line of duty to receive workers' compensation, as provided. This bill would create a presumption that the yearly earning of such individual is not less than \$10,000.

Existing law authorizes the instructors of a military academy meeting specified requirements, including having 80 or more male students, to be commissioned in the California Cadet Corps, and authorizes the Adjutant General to enter into a cooperative agreement with the City of Oakland and a school district to establish an Oakland Military Institute.

This bill would authorize the instructors of a military academy meeting specified requirements, including having more than 80 students, to be

commissioned in the California Cadet Corps, and authorize the Adjutant General to enter into a cooperative agreement with ~~the Superintendent of Public Instruction, or any county, city, or school~~ *a governing board of school district or a county office of education* to establish a military academy *or an alternative education option*, as specified.

Existing law requires units of the California Cadet Corps to be inspected at least once each year by the executive officer, the assistant executive officer, the regional supervisors of cadet instruction, or any of them, or by officers of the National Guard, State Military Reserve, or Naval Militia detailed by the Adjutant General for that purpose.

This bill would instead require the executive officer, the assistant executive officer, the regional advisors or military officers of the California National Guard, State Military Reserve, or Naval Militia detailed by the Adjutant General to inspect units of the California Cadet Corps at least once every 2 years and annually for any unit receiving a rating of unsatisfactory in a prior year's inspection. This bill would also require units in their first year of operation to receive an assistance visit to ensure assigned personnel receive the training and support needed to adequately prepare for their first formal, for-record inspection.

This bill would also make other conforming 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 500 of the Military and Veterans Code  
2 is amended to read:

3 500. The students of any college, community college, or school  
4 in this state may be organized into a California Cadet Corps  
5 company or companies under such rules and regulations as the  
6 governing body of the schools or colleges and the Adjutant General  
7 of the State of California may prescribe. A California Cadet Corps  
8 company or companies shall be of such strength as may be  
9 prescribed by the Adjutant General.

10 SEC. 2. Section 500.1 of the Military and Veterans Code is  
11 amended to read:

12 500.1. Except as hereinafter provided, each college, community  
13 college, or school in this state in which there is not maintained a  
14 J.R.O.T.C. or R.O.T.C. unit may establish a California Cadet Corps  
15 company or companies under the rules and regulations as the

1 governing body of the schools and the Adjutant General may  
2 prescribe. A California Cadet Corps company or companies shall  
3 be of such strength as shall be prescribed by the Adjutant General.  
4 A California Cadet Corps company or companies is not required  
5 to be established in a school, college, or community college unless  
6 a number of qualified students sufficient to constitute a company  
7 or companies of the strength prescribed by the Adjutant General  
8 voluntarily enroll therein.

9 SEC. 3. Section 501 of the Military and Veterans Code is  
10 amended to read:

11 501. California Cadet Corps companies shall at all times be  
12 under the guidance and control of the principal, president, director,  
13 or chief administrative officer of the college, community college,  
14 or school, whose duty it shall be to make regulations with the  
15 approval of the Adjutant General regarding the moral, educational,  
16 and physical welfare of the cadets.

17 SEC. 4. Section 502 of the Military and Veterans Code is  
18 amended to read:

19 502. Upon recommendation of the governing board having  
20 jurisdiction over the college, community college, or school, the  
21 Adjutant General may appoint officers, warrant officers, and  
22 noncommissioned officers in the California Cadet Corps for duty  
23 as commandants of cadets or assistant commandants of cadets in  
24 each college, community college, or school under the jurisdiction  
25 of the governing board. Except when ordered to state active duty  
26 by the Governor, the officers, warrant officers, and  
27 noncommissioned officers shall be under the immediate control  
28 and jurisdiction of the governing board of the college, community  
29 college, or school at which they are on duty, and pay, allowances,  
30 and expenses shall be disbursed from funds appropriated for the  
31 maintenance and operations of the college, community college, or  
32 school where they serve. Each officer, warrant officer, and  
33 noncommissioned officer shall hold his or her appointment at the  
34 pleasure of the governing board, or until a successor has been  
35 appointed and qualified, or his or her affiliation with the California  
36 Cadet Corps is severed.

37 SEC. 5. Section 502.1 of the Military and Veterans Code is  
38 amended to read:

39 502.1. The Adjutant General shall determine by the adoption  
40 of rules and regulations the grade and rank to be held by individuals

1 appointed in the California Cadet Corps by reason of their military  
2 experience or professional knowledge, or both. These individuals  
3 shall be appointed pursuant to the rules and regulations adopted  
4 by the Adjutant General.

5 A person who has previously been an officer, warrant officer,  
6 or noncommissioned officer of, and discharged under honorable  
7 conditions from, the United States Army, the United States Navy,  
8 the United States Air Force, the United States Marine Corps, the  
9 United States Coast Guard, or any reserve component of such  
10 federal forces, the California National Guard, the State Military  
11 Reserve, or the active militia may be appointed in the California  
12 Cadet Corps in the same rank last held in such federal or state  
13 military forces. Each officer, warrant officer, or noncommissioned  
14 officer shall hold office pursuant to the rules and regulations  
15 adopted by the Adjutant General. Upon recommendation of the  
16 Adjutant General, the Governor may commission one executive  
17 officer of the California Cadet Corps as colonel, one assistant  
18 executive officer of the California Cadet Corps as lieutenant  
19 colonel, and the necessary number of regional advisors in the same  
20 grade and rank last held in federal or state military forces, not to  
21 exceed lieutenant colonel, pursuant to rules and regulations adopted  
22 by the Adjutant General. Upon the recommendation of the Adjutant  
23 General, the Governor may appoint Special Project Officers,  
24 warrant officers, and noncommissioned officers to the same grade  
25 and rank last held in federal or state military forces for service in  
26 the California Cadet Corps by virtue of their professional  
27 knowledge and experience. Pay and expenses shall be taken from  
28 the funds appropriated for the maintenance and support of the  
29 California Cadet Corps.

30 SEC. 6. Section 502.2 of the Military and Veterans Code is  
31 amended to read:

32 502.2. The executive officer as a colonel in the California  
33 National Guard, State Military Reserve, or California Cadet Corps;  
34 the assistant executive officer as a lieutenant colonel in the  
35 California National Guard, State Military Reserve, or California  
36 Cadet Corps; the regional advisors appointed pursuant to Section  
37 502.1; and the individuals appointed in the California Cadet Corps  
38 according to rules and regulations adopted by the Adjutant General  
39 shall wear uniforms prescribed by the Adjutant General, including  
40 cap and collar ornaments and other distinctive marks of

1 identification of the California Cadet Corps. Uniforms shall not  
2 be inconsistent with rules and regulations of the United States  
3 Army.

4 SEC. 7. Section 502.3 is added to the Military and Veterans  
5 Code, to read:

6 502.3. The Adjutant General may adopt rules and regulations  
7 providing for the promotion of officers, warrant officers, and  
8 noncommissioned officers of the California Cadet Corps.

9 SEC. 8. Section 502.5 of the Military and Veterans Code is  
10 amended to read:

11 502.5. The Adjutant General may order officers, warrant  
12 officers, and noncommissioned officers in the California Cadet  
13 Corps to duty at encampments, exercises, or other activities  
14 conducted by the corps. While on duty, officers, warrant officers,  
15 and noncommissioned officers shall receive the same base pay,  
16 without longevity, as members of similar grade in the United States  
17 Army together with their expenses. Pay and expenses for these  
18 purposes shall be paid from funds appropriated for the maintenance  
19 and support of the California Cadet Corps.

20 SEC. 9. Section 503 of the Military and Veterans Code is  
21 amended to read:

22 503. Cadet companies shall be organized and each shall consist  
23 of commissioned cadet officers, cadet warrant officers, and  
24 noncommissioned cadet officers as shall be prescribed by the  
25 Adjutant General, and as shall conform generally to the number  
26 of commissioned, warrant, and noncommissioned officers of  
27 companies of the California National Guard. Commissioned cadet  
28 officers shall be commissioned in accordance with rules and  
29 regulations adopted by the Adjutant General and upon  
30 recommendation of the commandant of cadets and with the  
31 approval of the president, director, chief administrative officer, or  
32 principal of the college, community college, or school. The warrant  
33 and noncommissioned cadet officers shall be appointed by the  
34 commandant of cadets with the approval of the president, director,  
35 chief administrative officer, or principal of the college, community  
36 college, or school.

37 SEC. 10. Section 504 of the Military and Veterans Code is  
38 amended to read:

39 504. The Adjutant General shall adopt rules and regulations  
40 for the formation of cadet brigades, regiments, and battalions and

1 shall adopt tables of organization and provide for the appointment  
2 of cadet brigade, regimental, and battalion officers and staffs. All  
3 cadet battalion officers, regimental, and noncommissioned officers  
4 shall be appointed, commissioned, or warranted in accordance  
5 with rules and regulations adopted by the Adjutant General and  
6 upon the recommendation of the commandant of cadets with the  
7 approval of the president, director, chief administrative officer, or  
8 principal of the college, community college, or school.

9 SEC. 11. Section 505 of the Military and Veterans Code is  
10 repealed.

11 SEC. 12. Section 505 is added to the Military and Veterans  
12 Code, to read:

13 505. The Adjutant General may order officers, warrant officers,  
14 and noncommissioned officers of the California Cadet Corps to  
15 temporary state active duty to perform functions in support of the  
16 California Cadet Corps. Pay for such duties shall be disbursed  
17 from funds appropriated for the support and maintenance of the  
18 California Cadet Corps.

19 SEC. 13. Section 506 of the Military and Veterans Code is  
20 amended to read:

21 506. All cadet officers, cadet warrant officers, and cadet  
22 noncommissioned officers shall be promoted according to rules  
23 and regulations adopted by the Adjutant General upon the  
24 recommendation of the commandant of cadets and with the  
25 approval of the president, director, chief administrative officer, or  
26 principal of the college, community college, or school.

27 SEC. 14. Section 507 of the Military and Veterans Code is  
28 amended to read:

29 507. Upon the recommendation of the president, director, chief  
30 administrative officer, or principal of the college, community  
31 college, or school in which the California Cadet Corps participates,  
32 the commission or warrant of any cadet commissioned officer,  
33 cadet warrant officer, or cadet noncommissioned officer may be  
34 canceled, and the cadet reduced in rank or dismissed from the  
35 California Cadet Corps, for deficiency in academic studies;  
36 misbehavior in the college, community college, or school the cadet  
37 is attending; misbehavior in the California Cadet Corps; or for any  
38 other reason deemed good cause by the president, director, chief  
39 administrative officer, or principal of the college, community  
40 college, or school.

1 SEC. 15. Section 508 of the Military and Veterans Code is  
2 amended to read:

3 508. The California Cadet Corps shall train in accordance with  
4 the appropriate manuals prescribed by the United States Army and  
5 by the rules and regulations adopted by the Adjutant General. A  
6 uniformed corps of cadets shall not be organized in any college,  
7 community college, or school except as authorized by this chapter,  
8 provided that J.R.O.T.C., R.O.T.C., and other federally approved  
9 military units shall not be subject to or limited by this code.

10 SEC. 16. Section 509 of the Military and Veterans Code is  
11 amended to read:

12 509. The Adjutant General shall provide suitable training  
13 regulations, books and courses of instruction, and the necessary  
14 forms for reports or other necessary purposes to be used by the  
15 California Cadet Corps. The Adjutant General may take such action  
16 as is necessary to promote the general welfare, strength, and morale  
17 of the California Cadet Corps and to provide for the recreation of  
18 cadets.

19 SEC. 17. Section 510 of the Military and Veterans Code is  
20 amended to read:

21 510. The Adjutant General shall prescribe the uniforms the  
22 members of the California Cadet Corps shall wear. The Adjutant  
23 General may issue to the California Cadet Corps necessary cap  
24 and collar ornaments and chevrons, training aids, insignia of rank  
25 and of the California Cadet Corps, awards and decoration, flags,  
26 colors, guidons, standards, slings and carrying devices, canteens  
27 and covers, belts, first aid packets, mess kits, shelter halves,  
28 haversacks, and such other military property or equipment in the  
29 control of the Adjutant General as may not be required for the  
30 California National Guard, other state military forces, or other  
31 military purposes. A regulation uniform for cadets shall be kept  
32 in the Adjutant General's office to be used as a sample from which  
33 the uniforms for the California Cadet Corps shall be made. Such  
34 issues may be made by the Adjutant General without charge to the  
35 members of the California Cadet Corps or to the school or college  
36 or community college. The Adjutant General, after receiving  
37 written acknowledgment from the president, director, chief  
38 administrative officer, or principal of the college, community  
39 college, or school of the receipt of such property, shall account  
40 the same as a transfer of equipment.

1 SEC. 18. Section 511 of the Military and Veterans Code is  
2 amended to read:

3 511. A sufficient number of rifles suitable for drill or  
4 marksmanship purposes, or both may be purchased by the board  
5 of school trustees, board of education, board of directors or trustees  
6 of a college or community college, county superintendent of  
7 schools, the Superintendent of Public Instruction, or the Adjutant  
8 General out of any funds available and not otherwise appropriated.

9 SEC. 19. Section 511.5 of the Military and Veterans Code is  
10 amended to read:

11 511.5. Under rules and regulations adopted by the Adjutant  
12 General, the Adjutant General may purchase uniforms for the  
13 members of the California Cadet Corps, including caps, helmets,  
14 liners, shirts, trousers, belts, jackets, skirts, blouses, ties, and  
15 leggings.

16 The Adjutant General, with the approval of the Department of  
17 Finance, may annually determine the uniform cost per cadet.

18 SEC. 20. Section 512 of the Military and Veterans Code is  
19 amended to read:

20 512. Marksmanship practice shall constitute a part of the  
21 instruction to be given to cadets. Members of the California Cadet  
22 Corps may engage in rifle matches and competitions conducted  
23 or held in this state or at any place in the United States. The  
24 Adjutant General may purchase and supply to each of the colleges,  
25 community colleges, and schools a sufficient number of efficient  
26 rifles for field target work and gallery practice and the ammunition  
27 and equipment necessary for efficient rifle practice. A sufficient  
28 number of rifles suitable for field target work or gallery target  
29 firing and the ammunition and equipment may be purchased by a  
30 board of school trustees, board of education, board of directors or  
31 trustees of a college or community college, county superintendent  
32 of schools, or the Superintendent of Public Instruction, out of any  
33 funds available, and the governing body or governing officials of  
34 any school, community college, or college may purchase the  
35 necessary parts for and may repair any rifles acquired or furnished  
36 to the California Cadet Corps. All marksmanship practice shall be  
37 under the supervision of the president, chief administrative officer,  
38 director, or principal of the college, community college, or school,  
39 or under the supervision of an appointed officer or officers.  
40 Competent members of the California National Guard, State

1 Military Reserve, or Naval Militia may be detailed by the Adjutant  
2 General, with their consent, and upon request of the president,  
3 director, chief administrative officer, or principal of the college,  
4 community college, or school as instructors of marksmanship  
5 practice in the California Cadet Corps. Instructors from the  
6 California National Guard, State Military Reserve, or Naval Militia  
7 on duty at a college, community college, or school for  
8 marksmanship practice shall be under the immediate control and  
9 jurisdiction of the governing body of the college, community  
10 college, or school. The expenditures may be paid out of funds  
11 appropriated for the maintenance and support of the California  
12 Cadet Corps.

13 SEC. 21. Section 513 of the Military and Veterans Code is  
14 amended to read:

15 513. The Adjutant General may detail from the organizations  
16 of the California National Guard, State Military Reserve, or Naval  
17 Militia, competent members who shall perform duties on behalf  
18 of the California Cadet Corps and who may act as training and  
19 marksmanship practice instructors for the California Cadet Corps.  
20 The Adjutant General may provide compensation for any person  
21 detailed for duty and service with the California Cadet Corps. The  
22 expenditures may be paid out of funds appropriated for the  
23 maintenance and support of the California Cadet Corps. The  
24 Adjutant General may conduct conferences and other events and  
25 activities for members of the California Cadet Corps and may  
26 utilize funds appropriated for the maintenance and support of the  
27 California Cadet Corps for these purposes.

28 SEC. 22. Section 514 of the Military and Veterans Code is  
29 amended to read:

30 514. (a) Whenever practical, members of the California Cadet  
31 Corps shall, under the supervision of the commandant of cadets,  
32 be permitted to utilize California National Guard rifle ranges for  
33 marksmanship practice when the ranges are not being used by the  
34 California National Guard.

35 (b) Whenever practical, members of the California Cadet Corps  
36 shall be permitted to utilize California National Guard facilities  
37 for training activities.

38 SEC. 23. Section 515 of the Military and Veterans Code is  
39 amended to read:

1 515. Units in their first year of operation shall receive an  
2 assistance visit to ensure assigned personnel receive the training  
3 and support needed to adequately prepare for their first formal,  
4 for-record inspection. The executive officer, the assistant executive  
5 officer, the regional advisors or military officers of the California  
6 National Guard, State Military Reserve, or Naval Militia detailed  
7 by the Adjutant General shall inspect units of the California Cadet  
8 Corps at least once every two years and annually for any unit  
9 receiving a rating of unsatisfactory in a prior year's inspection.  
10 Inspectors shall report to the Adjutant General regarding the  
11 training, marksmanship, attendance, discipline, military knowledge  
12 and instruction, leadership, and condition of property of the  
13 California Cadet Corps. These reports shall consist of an inventory  
14 of the state property on hand in the cadet units at the time of  
15 inspections, and shall be made and forwarded in duplicate, one  
16 copy to the Superintendent of Public Instruction and one copy to  
17 the Adjutant General's office, and shall bear the endorsement of  
18 the president, director, chief administrative officer, or college,  
19 community college, or principal of the college, community college,  
20 or school, containing remarks the officials may deem pertinent.

21 SEC. 24. Section 516 of the Military and Veterans Code is  
22 amended to read:

23 516. The president, director, chief administrative officer, or  
24 principal of a college, community college, or school shall be  
25 responsible for all public property supplied to units of the  
26 California Cadet Corps under their control or supervision and shall  
27 ensure the property and equipment is properly secured and cared  
28 for.

29 SEC. 25. Section 516.1 of the Military and Veterans Code is  
30 amended to read:

31 516.1. An encampment or encampments may be held by the  
32 California Cadet Corps to be of such duration and attended by such  
33 proportion of the strength of the corps as may be prescribed by the  
34 Adjutant General. The expenses of encampments may be paid out  
35 of funds appropriated for the maintenance and support of the  
36 California Cadet Corps.

37 SEC. 26. Section 517 of the Military and Veterans Code is  
38 amended to read:

39 517. Each board of school trustees, president, director, and  
40 chief administrative officer of a college or community college,

1 board of trustees of a college or community college, board of  
2 education, principal or director of a high school, county  
3 superintendent of schools, and the Superintendent of Public  
4 Instruction shall facilitate the purposes of the California Cadet  
5 Corps and its instruction and the provisions of this chapter by  
6 cooperating with the Adjutant General.

7 SEC. 27. Section 518 of the Military and Veterans Code is  
8 amended to read:

9 518. The provisions of this chapter shall apply to all community  
10 colleges in this state, and the principals and governing boards of  
11 community colleges shall have the same authority as similar  
12 officials of schools.

13 SEC. 28. Section 519 of the Military and Veterans Code is  
14 amended to read:

15 519. Where a community college is located in close proximity  
16 to a school having a California Cadet Corps company or  
17 companies, the governing boards of the community college and  
18 schools may enter into an agreement to provide for the joint  
19 organization of cadet companies.

20 SEC. 29. Section 520 of the Military and Veterans Code is  
21 amended to read:

22 520. Any executive officer, assistant executive officer, regional  
23 advisor, or officer, warrant officer, or noncommissioned officer  
24 appointed or detailed pursuant to Sections 502, 502.1, 512, 513,  
25 515, or 516.1, who is wounded, injured, disabled, or killed in the  
26 performance of ordered duty shall be entitled to receive  
27 compensation from the state in accordance with the provisions of  
28 Division 4 (commencing with Section 3200) of the Labor Code.  
29 In all such cases, these individuals shall be deemed to be employees  
30 of the state. The compensation for any such individual shall be  
31 ascertained, determined, and fixed upon the basis of his or her  
32 average income from all sources during the year immediately  
33 preceding the date of such injury or death, or the commencement  
34 of such disability, but such compensation shall in no case exceed  
35 the maximum prescribed in Division 4 (commencing with Section  
36 3200) of the Labor Code.

37 In determining the benefits awarded to an individual under the  
38 provisions of this section, it shall be conclusively presumed that  
39 the average yearly earning of such injured or deceased individual  
40 is not less than ten thousand dollars (\$10,000). Any injury, death,

1 or disability shall be deemed to have been suffered in line of duty  
2 unless the injury, death, or disability resulted from misconduct or  
3 disobedience of lawful orders by the injured or deceased individual.

4 SEC. 30. Section 520.1 of the Military and Veterans Code is  
5 amended to read:

6 520.1. The principal and governing board of any private  
7 educational institution or military academy in which a J.R.O.T.C.  
8 or R.O.T.C. unit is not maintained, but which otherwise meets the  
9 qualifications prescribed by this chapter and any rules and  
10 regulations that may be adopted by the Adjutant General, may  
11 apply to the Adjutant General for permission to establish a cadet  
12 company or cadet companies, battalions, or regiments of the  
13 California Cadet Corps pursuant to this chapter. If the Adjutant  
14 General approves the petition, the principal and governing board  
15 of the private school shall have the same authority as similar  
16 officials of public schools, community colleges, or colleges to  
17 create units of and to become a member of the California Cadet  
18 Corps. Any cadet company or companies, or unit formed under  
19 this section, shall be governed by the provisions of this chapter as  
20 though it were a public school, community college, or college.

21 SEC. 31. Section 530 of the Military and Veterans Code is  
22 amended to read:

23 530. In any military academy, having not less than 80 students,  
24 uniformed, drilled, and instructed in strict accordance with the  
25 tactics of the regular United States Army, and in which the  
26 instruction is conducted in accordance with military principles,  
27 the military instructor or instructors or professors of military  
28 science and tactics of such academy regularly elected or appointed  
29 by the board of trustees or other lawful authority of the academy,  
30 may be commissioned in the California Cadet Corps with the rank  
31 of major or lower rank. Such officers shall exercise no authority  
32 or command except as military instructor or instructors or  
33 professors of military science and tactics of such academy. Such  
34 commissions shall be granted and may be revoked by the Adjutant  
35 General, under such rules and regulations as he or she may  
36 prescribe.

37 SEC. 32. Section 531 of the Military and Veterans Code is  
38 amended to read:

39 531. The Adjutant General may enter into a cooperative  
40 agreement with the City of Oakland and a school district for the

1 purposes of establishing an Oakland Military Institute. The program  
2 would provide a structured, disciplined environment that would  
3 be conducive to learning in a college preparatory environment. In  
4 addition to academic skills, ~~students~~ *pupils* would develop  
5 leadership, self-esteem, and a strong sense of community.

6 SEC. 33. Section 532 is added to the Military and Veterans  
7 Code, to read:

8 532. (a) The Adjutant General may enter into a cooperative  
9 agreement with the ~~Superintendent of Public Instruction, any~~  
10 ~~county, city, or school~~ governing board *of a school district or a*  
11 *county office of education* for the purpose of establishing, *pursuant*  
12 *to existing statutory authority in the Education Code*, a military  
13 academy *to be operated as a charter school, pursuant to Part 26.8*  
14 *(commencing with Section 47600) of Division 4 of Title 2 of the*  
15 *Education Code, or as one of the existing alternative education*  
16 *options, available under the Education Code*. The program would  
17 provide a structured, disciplined environment that would be  
18 conducive to learning in a college preparatory environment. In  
19 additional to academic skills, students would develop leadership,  
20 self-esteem, and a strong sense of community. *An academy*  
21 *established pursuant to this section shall comply with the Education*  
22 *Code*.

23 (b) A new California National Guard Youth Program, except  
24 for the California Cadet Corps, may only be established as provided  
25 by this section if funds are appropriated for purposes of the new  
26 program in the annual Budget Act or any other act.