

AMENDED IN SENATE MAY 6, 2009

SENATE BILL

No. 646

Introduced by Senator Denham

February 27, 2009

An act to amend Section 66025.6 of, to add Sections 66025.4 and 66025.5 to, and to add the heading of Article 3.7 (commencing with Section 66025.3) to Chapter 2 of Part 40 of Division 5 of Title 3 of, the Education Code, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

SB 646, as amended, Denham. Student financial aid: veterans and dependents.

(1) Existing law, the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Under existing law, the segments of the public higher education system in the state include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges. Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable.

An existing provision of the act prohibits any campus of the University of California, the California State University, or the California Community Colleges from charging any mandatory systemwide tuition or fees, including enrollment fees, registration fees, differential fees,

or incidental fees, to prescribed categories of children and other dependents of veterans of the United States military or members of the California National Guard who have been killed in service, or who have died of a service-connected disability. Other provisions waive these fees for undergraduate students who are recipients of the Congressional Medal of Honor or the children of recipients of that medal who meet prescribed requirements. Additional provisions waive the community college enrollment fees of specified dependents of members of the California National Guard who are killed in the line of duty or died of a disability resulting from an event that occurred while in the active service of the state, or are permanently disabled as a result of such an event.

This bill would enact the Golden State GI Bill of Rights for Higher Education, also known as the Cal GI Bill of Rights. The bill would prohibit any campus of the University of California, the California State University, or the California Community Colleges from charging any mandatory systemwide tuition or fees, including enrollment fees, registration fees, differential fees, or incidental fees, to a California resident, as defined, who is an undergraduate student or a graduate student seeking a postbaccalaureate degree, and who, irrespective of income level or need, was a member of the Armed Forces of the United States who enlisted therein while he or she was a California resident and who was honorably discharged from the Armed Forces, or is, or has been, on active duty, as defined, as a member of the California National Guard, the State Military Reserve, or the Naval Militia, and has demonstrated, in a prescribed manner, that he or she has no remaining months of educational benefits for which he or she is eligible under the federal GI Bill. The bill would specify that no person may obtain a waiver of fees for a number of academic semester or equivalent quarters that is longer than the number of semesters or quarters for which he or she previously received educational benefits under the federal GI Bill.

The bill would provide that a graduate student who qualifies for a fee waiver under these provisions may use that waiver for studies leading to no more than one postbaccalaureate degree.

The bill would provide that these fee waivers would be operative only in those fiscal years in which funds are specifically appropriated for those purposes.

The bill would provide that a person who qualifies for a waiver of mandatory systemwide tuition and fees under one or more specified

provisions, including this bill and the provisions of existing law discussed above, may choose to apply for a waiver under the provision that provides him or her with the greatest benefit, but may not concurrently receive a waiver under more than one of these provisions.

In accordance with existing law, the bill would apply to the University of California only if the regents act, by resolution, to make it applicable.

To the extent that the bill would require community college districts to revise their procedures for calculating enrollment fees for students, the bill would constitute a state-mandated local program.

The bill would also make various technical and conforming changes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. The heading of Article 3.7 (commencing with
2 Section 66025.3) is added to Chapter 2 of Part 40 of Division 5 of
3 Title 3 of the Education Code, to read:

4
5 Article 3.7. Veterans of the Armed Forces and Their Dependents

6
7 SEC. 2. Section 66025.4 is added to the Education Code, to
8 read:

9 66025.4. (a) This section shall be known, and may be cited,
10 as the Golden State GI Bill of Rights for Higher Education or as
11 the Cal GI Bill of Rights.

12 (b) A campus of the University of California, the California
13 State University, or the California Community Colleges shall not
14 charge any mandatory systemwide tuition or fees, including
15 enrollment fees, registration fees, differential fees, or incidental
16 fees, to a California resident, as defined in Section 68017, who is
17 an undergraduate student or a graduate student seeking a
18 postbaccalaureate degree in accordance with subdivision (c), and

1 who, irrespective of income level or need, meets both of the
2 following requirements:

3 (1) The person either: (A) served as a member of the Armed
4 Forces of the United States who enlisted therein while he or she
5 was a California resident and who was honorably discharged from
6 the Armed Forces; or (B) is, or has been, on active duty, under
7 Title 10 or Title 32 of the United States Code, as a member of the
8 California National Guard, the State Military Reserve, or the Naval
9 Militia.

10 (2) The person provides documentation, in accordance with
11 subdivision (d), that he or she has no remaining months of
12 educational benefits for which he or she is eligible under the federal
13 Montgomery GI Bill (38 U.S.C. Sec. 3001 et seq.).

14 (c) A graduate student who meets the qualifications of
15 subdivision (b) may utilize the waiver of fees provided under this
16 section for studies leading to no more than one postbaccalaureate
17 degree.

18 (d) In order to demonstrate that he or she has no remaining
19 months of federal educational benefits for which he or she is
20 eligible, a person shall present written notice of that fact from the
21 United States Department of Veterans Affairs to the appropriate
22 official at the campus where he or she enrolls.

23 (e) No person may obtain a waiver of fees provided under this
24 section for a number of academic semesters or equivalent quarters
25 that is longer than the number of academic semesters or equivalent
26 quarters for which he or she previously received educational
27 benefits under the federal Montgomery GI Bill (38 U.S.C. Sec.
28 3001 et seq.).

29 (f) *In each fiscal year, this section shall be operative only if*
30 *funds are specifically appropriated in the annual Budget Act or*
31 *another statute for that fiscal year for purposes of fully reimbursing*
32 *the University of California, the California State University, and*
33 *the California Community Colleges for the respective institution's*
34 *costs and revenue losses associated with implementing this section.*

35 SEC. 3. Section 66025.5 is added to the Education Code, to
36 read:

37 66025.5. (a) A person who qualifies for a waiver of mandatory
38 systemwide tuition or fees under more than one of the provisions
39 listed in subdivision (b) may choose to apply for a waiver under
40 the section that provides him or her with the greatest benefit, but

1 he or she may not concurrently receive a waiver under more than
2 one of these provisions.

3 (b) (1) Section 66025.3.

4 (2) Section 66025.4.

5 (3) Subdivision (h), (i), or (j) of Section 76300.

6 SEC. 4. Section 66025.6 of the Education Code is amended to
7 read:

8 66025.6. (a) As used in this article, the following terms have
9 the following meanings:

10 (1) "Active duty" means either of the following:

11 (A) Active federal service or full-time national guard duty on
12 behalf of the United States of America either voluntarily, or when
13 involuntarily ordered to duty by appropriate authorities under Title
14 10 or Title 32 of the United States Code during a period of armed
15 conflict, mobilization, contingency operations, or other crisis.

16 (B) (i) Active military duty in the service of the state when the
17 Governor has issued a proclamation of a state of insurrection
18 pursuant to Section 143 of the Military and Veterans Code or a
19 proclamation of a state of emergency; or

20 (ii) When the National Guard is on active duty pursuant to
21 Section 146 of the Military and Veterans Code, or is called to
22 active service or duty under Chapter 7.5 (commencing with Section
23 400) of Part 1 of Division 2 of the Military and Veterans Code,
24 and a certificate of satisfactory service, or an equivalent thereof,
25 is issued by the Military Department.

26 (2) "Qualifying member" means a person who:

27 (A) Is a resident, as defined in Section 68017.

28 (B) Is currently an active member of, and has satisfactorily
29 served for at least one year in, the California National Guard, the
30 State Military Reserve, or the Naval Militia, and maintains
31 satisfactory service throughout the period that he or she receives
32 consideration pursuant to this section, or throughout the period
33 that his or her student loan payments are assumed under former
34 Article 12.5 (commencing with Section 69750) of Chapter 2 of
35 Part 42, as it ~~reads~~ *read* on December 31, 2007, whichever is
36 longer.

37 (C) Has completed a baccalaureate degree, or is currently
38 enrolled, and in good standing, in an undergraduate program of
39 instruction, or has been admitted to a program in which he or she
40 will be enrolled, on at least a half-time basis, at an institution of

1 higher education in this state, or is enrolled in or has completed a
2 program of instruction in a vocational diploma program as defined
3 in former Section 94746, as it ~~reads~~ *read* on June 30, 2007, where
4 enrollment qualifies a student for participation in the Federal
5 Family Education Loan Program (20 U.S.C. Sec. 1071 et seq.) or
6 any loan program approved by the Student Aid Commission.

7 (b) (1) (A) Any qualifying member, and any member of the
8 California National Guard, the State Military Reserve, or the Naval
9 Militia who meets the qualifications of subparagraphs (A) and (B)
10 of paragraph (2) of subdivision (a) and who is enrolled, and in
11 good standing in a graduate program of instruction, who undertakes
12 active duty is entitled to an academic leave of absence for any
13 academic session that the person is unable to attend or complete
14 because he or she is on active duty.

15 (B) It is the intent of the Legislature that a graduate or
16 undergraduate student who is called to active military duty as a
17 member of the California National Guard, the State Military
18 Reserve, or the Naval Militia not be academically penalized as a
19 result of any academic leave of absence that he or she takes in
20 accordance with this paragraph.

21 (2) To the extent that it is feasible, graduation requirements for
22 a qualifying member who, within one year of returning from active
23 duty, resumes his or her studies at the same postsecondary
24 educational institution shall be the same as the graduation
25 requirements at the time the qualifying member initially enrolled.

26 (c) The Military Department shall determine whether an
27 individual meets the requirements of “active duty” and “qualifying
28 member,” as they are set forth in subdivision (a). The department
29 shall issue a certificate to individuals who meet those requirements.

30 (d) This section shall remain in effect only until January 1, 2012,
31 and as of that date is repealed, unless a later enacted statute that
32 is enacted before January 1, 2012, deletes or extends that date.

33 SEC. 5. If the Commission on State Mandates determines that
34 this act contains costs mandated by the state, reimbursement to
35 local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.