

STUDENT SERVICES

AP 5013 STUDENTS IN THE MILITARY

References:

Education Code Sections 68074, 68075, 68075.5; 68075.7, and 68084
Title 5 Sections 55023, 55024, 54041, 54042, 54050, and 58620
Military and Veterans Code Section 824
38 U.S. Code Section 3679

Residence Determinations for Military Personnel and Dependents

For purposes of this section, “Armed Forces of the United States” means the Air Force, Army, Coast Guard, Marine Corps, Navy, and the reserve components of each of those forces, the California National Guard, the California State Guard, and the California Naval Militia.

Military Stationed in California

A student who is a member of the Armed Forces of the United States domiciled or stationed in California, as of the residence determination date is entitled to resident classification for tuition fees purposes. If that member of the Armed Forces of the United States, who is in attendance at the institution, is thereafter transferred to a place outside of California where the member continues to serve in the Armed Forces of the United States, the member shall retain resident classification as long as the member is continuously enrolled at the institution. This exception does not apply to students seeking a graduate degree or members who are assigned for educational purposes to state-supported institutions of higher education.

Dependents of Military Personnel

(a) A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the Armed Forces of the United States stationed in this state on active duty is entitled to resident classification only for the purpose of determining the amount of tuition and fees.

(b) If that member of the Armed Forces of the United States, whose dependent natural or adopted child, stepchild, or spouse is in attendance at, or has been admitted

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to, a public postsecondary institution, (1) is thereafter transferred on military orders to a place outside this state where the member continues to serve in the Armed Forces of the United States, or (2) is thereafter retired as an active member of the Armed Forces of the United States, the student dependent shall not lose their resident classification so long as they remain continuously enrolled at that institution.

Recently Separated Military Members

A student who was a member of the Armed Forces of the United States that was stationed in California for one year immediately prior to being separated shall be exempt from payment of nonresident tuition for up to one year if the student files an affidavit with the institution stating that they intend to establish California residence as soon as possible. This one-year exemption shall be used while the student lives in California and within two years from being separated. Members who received a dishonorable or bad conduct discharge are not eligible for this exemption.

Veterans Access, Choice and Accountability Act

The following students who meet the below listed “covered individual” requirements shall be exempt from nonresident tuition for a period of up to three years’ from the service members discharge or death (in the line of duty):

1. A veteran eligible for educational assistance under either the Montgomery GI Bill-Active Duty (MGIB-AD) or Post-9/11 GI Bill education benefit programs who resides (lives) in California (regardless of their formal state of residence) and enrolls in the community college from a period of active-duty service of 90 days or more.
2. An individual eligible for transferred education benefits under either the Montgomery GI Bill-Active Duty (MGIB-AD) or Post-9/11 GI Bill education benefit programs who resides (lives) in California (regardless of their formal state of residence) and enrolls in the community college from a period of active-duty service of 90 days or more.

An individual eligible for transferred Post-9/11 G.I. Bill benefits while the transferor is on active duty who resides (lives) in California (regardless of their formal state of residence) as described in 38 USC 3679(c)(2)(B)(ii)(II).

3. An individual eligible for benefits under the Marine Gunnery Sergeant John David Fry Scholarship (provides Post-9/11 GI Bill benefits to the children and surviving spouses of service members who died in the line of duty while on active duty) who resides (lives) in California (regardless of their formal state of residence).

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4. Individuals eligible for rehabilitation under 38 U.S. Code § 3102 pursuing a course of education with education assistance from the Training and Rehabilitation for Veterans with Service-Connected Disabilities (Chapter 31) education benefits program.

Federal Civil Service Employee Relocated due to Military Mission Realignment

A student who is a federal civil service employee and their natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.

Withdrawal Policies for Members of the Military

A student who is a member of an active or reserve United States military service and who receives orders compelling a withdrawal from courses shall be permitted to withdraw upon verification of such orders. A withdrawal symbol may be assigned which may be a "W" or a "MW." Military withdrawal shall not be counted in progress probation, dismissal calculations, or in calculating the permitted number of withdrawals. In no case may a military withdrawal result in a student being assigned an "FW" grade. In no case may a college require a student who is required to report for military duty to withdraw from a course by a specified date in order to receive a full refund of the tuition and fees the student paid to the college for the academic term in which the student was required to report for military service.

Also see AP 4230 titled Grading Symbols.

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