

P&P 5013 STUDENTS IN THE MILITARY

Reason for Changes (For more info on SBCCD's process for Board Policies and Administrative Procedures, visit <https://sbccd.edu/ap2410>.)

- Legal Update 39 - Updated to reflect amendments to Title 38 of the U.S. Code regarding residencies determinations for a student with military or veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679, as amended by Public Law 116-315)
- To update pronouns

Review Level:

3 | Extensive (10+1)

Review Level Approved by PPAC:

4/10/2023

BOT 1st Reading:

5/11/2023

BOT 2nd Reading & Approval:

6/8/2023

BP 5013 STUDENTS IN THE MILITARY

No BP

AP 5013 STUDENTS IN THE MILITARY

With Changes Redlined

Residence Determinations for Military Personnel and Dependents

A student who is a member of the armed forces of the United States stationed in California, except a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification. Such student shall retain resident classification in the event that the member of the armed forces is thereafter transferred on military orders to a place outside of California or thereafter retires from active duty, so long as the student remains continuously enrolled in the District.

An undergraduate 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 shall be entitled to resident classification. Such student shall retain resident classification if he/she/they is thereafter transferred on military orders to a place outside of California, so long as the student remains continuously enrolled in the District.

A veteran who was discharged or released from at least 90 days of active service ~~less than three years before the date of enrollment in a course~~ commencing on or after July 1, 2015, and his/her/their dependents, regardless of the veteran's state of residence is entitled to resident classification.

A student who was a member of the armed forces of the United States stationed in California on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he-~~or~~/she/they live(s) in California after being discharged up to the minimum time necessary to become a resident.

An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California is entitled to resident classification.

An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty is entitled to resident classification.

A parent who is a federal civil service employee and his/her/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

P&P 5013 STUDENTS IN THE MILITARY

AP 5013 STUDENTS IN THE MILITARY

With Changes Redlined

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.

A student claiming the residence classifications provided for in this procedure must provide a statement from the student's commanding officer or personnel officer providing evidence of the date of the assignment to California, and that the assignment to active duty in California is not for educational purposes. A student claiming the residence classifications provided for here for the dependent of military personnel shall provide a statement from the military person's commanding officer or personnel officer that the military person's duty station is in California on active duty as of the residence determination date, or has been transferred outside of California on active duty after the residence determination date, or that the military person has retired from active duty after the residence determination date. (Title 5 Sections 54041 and 54042)

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 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.

~~See Administrative Procedure (AP) 5075, Course Adds, Drops, and Withdrawal for additional information.~~

~~Districts may reference or include local Administrative Procedures regarding how such a student would withdraw.~~

References:

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

END OF RECOMMENDATION