AP 5013  Students in the Military

Reference:
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

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 and is in attendance at, or has been admitted to, the
District shall be entitled to resident classification. Such student shall retain
resident classification if he/she 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 dependents, regardless of the veteran’s state of
residence is entitled to resident classification.

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 resided in California is entitled to resident classification.

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

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 “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, F, NP, NG or UG” 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.

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