

Chapter 5 - Student Services

AP 5013 Military Personnel, **Covered Individuals**, Federal Civil Service Employees, and Their Dependents

References:

Education Code Sections 68074, 68075, 68075.5; 68084, Title 5 Sections 55023, 55024, 54041, 54042, 55050, and 58620

Residence Determinations for Military Personnel and Dependents:

A student who is a member of the Armed Forces of the United States stationed in California on active duty, except a member of the Armed Forces assigned for educational purposes to a State-supported institution of higher education, is entitled to resident classification. A member transferred on military orders to a place outside of the state shall not lose residency so long as they remain continuously enrolled.

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 of the United States is entitled to resident classification for the length of time he or she lives in California after being discharged, up to the minimum time necessary to become a resident.

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 shall be entitled to resident classification. A student shall not lose resident classification so long as he or she remains continuously enrolled when the member of the Armed Forces of the United States is transferred on military orders outside of the state or retires as an active member of the Armed Forces of the United States.

A parent who is a Federal civil service employee and his or 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 for the dependent of military personnel shall provide a statement from the person'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 classification provided for in this procedure as 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 of "MW" will be assigned. Military withdrawal shall not be counted in determining registration priority, progress probation, or dismissal calculations. In no case may a military withdrawal result in a student being

assigned an "FW" grade. Upon returning to Mt. SAC, if the student desires to retain his/her previous catalog rights, the student must both reapply for admission and complete a Petition for Exceptional Action requesting their previous catalog rights. As part of the documentation, the student should include their military orders outlining their deployment period. If the student returns to Mt. SAC within two years of completing his/her assigned deployment, his/her catalog rights will be reinstated.

A student who is a Covered Individual: Covered individuals eligible for GI Bill educational benefits, or educational assistance benefits for survivors and dependents, are exempt from paying nonresident tuition regardless of separation date (or the separation of transferor of benefits). Additionally, covered individuals eligible for the Veterans Readiness and Employment program (formerly called Vocational Rehabilitation and Employment) (Chapter 31) are exempt from paying nonresident tuition regardless of separation date.

Revised: September 2008

Revised: November 2013

Revised: April 9, 2014

Reviewed: June 9, 2015

Reviewed: August 17, 2016

*****Notes for the Covered Individual (not to be included with the AP):***

- I would suggest the following be incorporated given recent legislative changes (specifically Section 1005 of the Isakson and Roe Veterans Health Care and Benefits Improvement Act of 2020):
 - "Covered individuals eligible for GI Bill educational benefits, or educational assistance benefits for survivors and dependents, are exempt from paying nonresident tuition regardless of separation date (or the separation of transferor of benefits). Additionally, covered individuals eligible for the Veterans Readiness and Employment program (formerly called Vocational Rehabilitation and Employment) (Chapter 31) are exempt from paying nonresident tuition regardless of separation date. "
- AP Title to include: Military Personnel, **Covered Individuals**, Federal Civil Service Employees, and Their Dependents

Additional Reference:

Section 68075.7 of the Education Code is amended to read: 68075.7. Notwithstanding any other law: (a) Effective for academic terms beginning on or after August 1, 2021, a student enrolled at a campus of the California Community Colleges or the California State University who meets all of the following requirements shall be exempt from paying nonresident tuition or any other fee that is exclusively applicable to nonresident students:

(1) The student resides in California.

(2) The student meets the definition of "covered individual," as that term is defined in Section 3679(c)(2) of Title 38 of the United States Code.