

Date of Hearing: April 5, 2011

ASSEMBLY COMMITTEE ON VETERANS AFFAIRS

Paul J. Cook, Chair

AB 636 (Knight) – As Introduced: February 16, 2011

SUBJECT: Military service: benefits. Tuition and fees refunds.

SUMMARY: Revises the conditions of tuition and fee refund for a student who withdraws from an academic institution due to active military service. Specifically, this bill:

- 1) Removes the requirement that a student must withdraw by a specified date in order to receive tuition and fee reimbursement;
- 2) Requires any credit toward a subsequent academic term to be equal to 100% of the cost of the subsequent academic term, rather than 100% of the cost of the missed academic term; and
- 3) Provides that the credited term shall not be less than, or exceed, the original term.

EXISTING LAW: Existing law provides certain protections for members of the National Guard ordered into active state service by the Governor or active federal service by the President of the United States for emergency purposes, and for reservists called to active duty, as specified. Protections include requiring academic institutions to grant a student a military leave of absence, and at the student's election, credit the student's tuition and fee charges toward a subsequent academic term, or grant a refund of tuition and fees paid by the student for the academic term. However, in order to receive a credit or refund, the student must withdraw from the institution by a specified date.

FISCAL EFFECT: Unknown

COMMENTS: It is equitable in the context of most students at academic institutions to require that they withdraw by a specified date in order to receive a refund or credit of tuition and fees paid. A school reasonably requires a deadline by which students must commit to a course or courses for reasons ranging from logistics issues (crowding, staffing, accounting) to preserving academic integrity.

In contrast, a military student ordered to active service has no control over the timing of the student's withdrawal from an institution. Students may have short notice times before they must report for duty and/or deploy and much to do as they transition from part-time to active duty military life. Such students are withdrawing because the State or Nation requires their service. Students in the circumstances contemplated by this bill are highly unlikely to be manipulating the academic system; they are being ordered to active service.

Policy Consideration: Should there be any limit on the date on which a student can return to the institution and receive a credit for the full cost of that subsequent academic term? Perhaps the author would consider a reasonable time limit during which a student might exercise his or her credit.

SIMILAR LEGISLATION: SB 1075 (Correa, Chapter 284, Statutes of 2010) required academic institutions to reasonably accommodate and assist students who are called to active military duty so they can meet any and all coursework requirements missed due to military service.

REGISTERED SUPPORT / OPPOSITION:

Support

American Legion-Department of California, AMVETS-Department of California, California State Commanders Veterans Council.

Opposition

None.

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