

AR 5013 Residency Determinations for Military Personnel and Dependents

Students who are members of the U.S. Armed Forces may qualify for resident classification for enrollment/tuition fee purposes under the following military-related conditions:

- A student shall retain resident classification ~~in the event that they are~~ if they are transferred due to military orders ~~to a place~~ outside of California or thereafter retires from active duty, so long as the student remains continuously enrolled.
- A student who is ~~a member of the Armed Forces of the United States~~ stationed in California is entitled to resident classification. ~~except if assigned for educational purposes to a California state-supported institution.~~ (Education Code §68044, §68075; Title 5 §54042)
- A dependent student who is a natural or adopted child, stepchild, or spouse ~~who is a dependent of a member of the armed forces stationed in California on active duty and is in attendance at SMC, or has been admitted to SMC,~~ shall be entitled to resident classification. The student shall retain resident classification if the member of the military is transferred due to military orders outside of California or thereafter is discharged or retires from active duty, so long as the dependent student remains continuously enrolled. (Education Code, §68044, §68074; Title 5 §54041)
~~Such student shall retain resident classification if the member is thereafter transferred on military orders to a place outside of California or is thereafter retired as an active member of the United States, so long as the student remains continuously enrolled.~~
- A veteran who was discharged or released from at least 90 days of active service, commencing on or after July 1, 2015, and their dependents, regardless of the veteran's state of residence is entitled to resident classification. (Education Code §68075.7)
- A student 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. (Education Code §68121, §76300).
- A student 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.

The student is eligible for education benefits under the federal Montgomery GI Bill-Active Duty program (Chapter 30 (commencing with Section 3001) of Title 38 of the United States Code), the Veterans Readiness and Employment program (Chapter 31 (commencing with Section 3100) of Title 38 of the United States Code), the Post-9/11 GI Bill program (Chapter 33 (commencing with Section 3301) of Title 38 of the United States Code), or the Survivors' and Dependents' Educational Assistance program (Chapter 35 (commencing with Section 3500) of Title 38 of the United States Code), as each read on January 5, 2022.

- A parent 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 California ~~due to as a result of a~~ military mission realignment ~~action that involves~~ involving 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 ~~remains continuously enrolled. continuously attends an institution of public higher education.~~ (Education Code §68084).
- A student claiming the ~~is~~ residence classifications ~~s provided for in this regulation~~ must provide a statement from the student's commanding officer or personnel officer as 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 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 residency determination date, or has been transferred outside of California on active duty after the residency determination date, or the military person has retired from active duty after the residency determination date. (Title 5 Sections 54041 and 54042)

Withdrawal Processes 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 military withdrawal symbol "MW" will be assigned. Military withdrawal shall not be counted in progress notice or progress dismissal calculations, or in calculating the permitted number of withdrawals.
- A Special Consideration petition and verification of orders must be submitted through the Admissions and Records webpage.
- A military withdrawal shall not result in a student being assigned an "F" "W", "NP" or "FW" grade. The student is eligible for a 100% full-refund of the tuition and fees for the affected term. See AR 4230.

Above taken from AR 5015 but now in this AR without Titles

Armed Services Member Stationed in California:

Dependent of an Armed Services Member Stationed in California:

Nonresident Veteran, Spouse, or Dependent:

Child or Spouse of Individual Killed in the September 11, 2001 Terrorist Attacks:

Relocated Federal Service Employee and Dependent Children:

Also see AR 5010 Admission Eligibility, AR 5015 Residency Determination, AR 5020 Nonresident Tuition and Fees, AR 5075 Course Adds and Withdrawals from Courses, AR 4230 Grading and Academic Record Symbols and AR 5030 Fees

References:

Education Code Sections 68044, 68070-68086, 68074, 68075, 68075.5, 68075.7, **68121, 76300 and 99130**;
Title 5 Sections 54041, 54042, 54050, 55023, 55024, and 58620;
Military and Veterans Code Section 824;
38 U.S. Code §3679 and 8 U.S. Code §1101

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Residence Determinations for Military Personnel and Dependents

A student who is a member of the armed forces of the United States stationed in California 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/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, 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.

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 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 Processes 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.

NOTE: *Districts may reference or include local administrative procedures regarding **how such a student would withdraw.***

Exceptions to Residence Determination [68070 - 68086]

68074.

(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 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 his or her resident classification so long as he or she remains continuously enrolled at that institution.

68075.

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

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.

(3) The student is eligible for education benefits under the federal Montgomery GI Bill–Active Duty program (Chapter 30 (commencing with Section 3001) of Title 38 of the United States Code), the Veterans Readiness and Employment program (Chapter 31 (commencing with Section 3100) of Title 38 of the United States Code), the Post-9/11 GI Bill program (Chapter 33 (commencing with Section 3301) of Title 38 of the United States Code), or the Survivors' and Dependents' Educational Assistance program (Chapter 35 (commencing with Section 3500) of Title 38 of the United States Code), as each read on January 5, 2022.

(b) A student who qualifies for an exemption from paying nonresident tuition and other applicable fees under paragraph (2) of subdivision (a) shall be deemed to maintain "covered individual" status as long as the student remains continuously enrolled at a campus, even if the student enrolls in multiple programs, and the student shall continue to be exempt from paying nonresident tuition and other fees that exclusively apply to nonresident students. As used in this section, "continuously enrolled" means enrolled for at least the fall and spring semesters of an academic year, or for at least three of the quarters in an academic year for an institution using the quarter system.

(c) The attendance of a community college student who is exempt from paying nonresident tuition and other fees pursuant to this section may be reported by the community college district of attendance for apportionment purposes.

§ 54041. Military Dependent.

§ 54042. Member of Military.

§ 55023. Academic Record Symbols and Grade Point Average.

§ 55024. Withdrawals from Credit Courses.

(2)(A) Military withdrawal occurs when a student on active or reserve status in the United States military or National Guard receives orders compelling a withdrawal from courses. Upon verification of such orders, the military withdrawal symbol "MW" shall be assigned to all courses affected by the military withdrawal.

(B) Military withdrawals shall not be counted in progress probation and dismissal calculations, and shall not be counted toward the permitted number of withdrawals or counted as an enrollment attempt.

§ 54050. Military Exceptions. Eligible for CA Fee Waiver Submission

§ 58620. Student Eligibility: California College Promise Grant.

From Probation/Dismissal Title 5 language

(2)(A) Military withdrawal occurs when a student on active or reserve status in the United States military or National Guard receives orders compelling a withdrawal from courses. Upon

verification of such orders, the military withdrawal symbol "MW" shall be assigned to all courses affected by the military withdrawal.

(B) Military withdrawals shall not be counted in progress probation and dismissal calculations, and shall not be counted toward the permitted number of withdrawals or counted as an enrollment attempt.

From Section 824 of the Military & Veterans Code

(2) The institution shall refund the tuition and fees paid by the student for the academic term in which the student is required to report for military service regardless of whether the student was called to military service before the academic term had commenced or after the academic term had commenced. The refund shall equal 100 percent of the tuition and fee charges the student paid the institution for the applicable academic term.

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