

## AP 5013 STUDENTS IN THE MILITARY

### 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

### 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. 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, or of a member who, on or after September 11, 2001, died in the line of duty while serving on active duty who resides in California~~ shall be entitled to resident classification. Such student shall retain resident classification ~~if in cases of he/she is thereafter transferred on military orders-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-, regardless of the veteran's state of residence is entitled to either resident classification if meeting the resident determination criteria or will be exempt from nonresident fees.~~

~~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 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 lives in California after being discharged up to the minimum time necessary to become a resident.~~

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 Policies/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.

Military member who must stop attending Chabot College or Las Positas College due to deployment and/or who are reassigned to a different station of duty/post, will be allowed readmission to the district without penalty. In all cases, the District complies with federal guidelines in regards to educational access for members of the military.

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

Also see BP/AP 4230 Grading and Academic Record Symbols, BP/AP 5015 Residence Determination, and AP 5075 Course Adds and Drops.

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**Revised:**