

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AJR 12 (Stone)
Version: April 15, 2021
Hearing Date: July 6, 2021
Fiscal: No
Urgency: No
ME

SUBJECT

Veterans' educational benefits

DIGEST

This measure requests that the United States Congress remove the requirement that to be eligible for GI benefits, a law school be accredited by the ABA and that graduates must be eligible to sit for a bar examination in any state.

EXECUTIVE SUMMARY

This resolution calls on the United States Congress to revise recent amendments to the GI Bill in order to ensure that California accredited law schools remain eligible to serve veterans with GI Bill benefits. California is in a unique position as compared to other states in that the State Bar of California accredits law schools in California and allows graduates of these California accredited law schools to take the California Bar Exam. These law schools are generally not American Bar Association (ABA) approved. Most other states only rely upon the ABA to accredit law schools.

The newly amended GI Bill does not account for California veterans who attend California accredited law schools. Therefore this resolution urges Congress to remove the requirement that to be eligible for GI benefits, a law school be accredited by the ABA and that graduates must be eligible to sit for a bar examination in any state.

This measure is author-sponsored and is supported by the multiple veteran organizations and law schools. There is no opposition to the measure.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes within the state government an educational institution known as the California Veterans' Educational Institute, which is under the management and control of the California Department of Veterans Affairs, and the purpose of the institute is to provide opportunities for veterans to continue their education. (Mil. and Vet. Code Section 981.)
- 2) Provides that the Department of Veterans Affairs, insofar as the funds permit, may provide an allowance of one hundred dollars (\$100) for each month the student is in satisfactory and actual full-time attendance at an educational institution, and pursuing a course of study leading to a bachelor of arts or bachelor of science degree, or to a recognized degree, license, certificate, or diploma. (Mil. and Vet. Code Section 981.2.)
- 3) Under federal law, provides that no course of education which has not been approved by a state approving agency, which is offered by a public or private, profit or nonprofit, educational institution can be approved for the purposes of providing veterans educational benefits unless the educational institution offering such course submits to the appropriate state approving agency a written application for approval of such course in accordance with existing federal law. (38 U.S.C. Section 3676 (a).)
- 4) Requires the Office of the Adjutant General to annually make all of the following available to each member of the California National Guard, the State Guard, and the Naval Militia who does not have a baccalaureate degree:
 - a) A copy of the enrollment fee waiver application of the Board of Governors of the California Community Colleges;
 - b) A copy of the Free Application for Federal Student Aid (FAFSA);
 - c) A copy of the latest brochure or information relative to the current federal Post-9/11 GI Bill;
 - d) A copy of the latest brochure or information relative to the California National Guard Education Assistance Award Program; and
 - e) The contact information for a County Veterans Service Officer or the division responsible within the California Department of Veterans Affairs for higher education or the California National Guard. (Mil. and Vet. Code Section 981.8.)
- 5) Under federal law, provides that, for the purpose of veterans educational benefits, an appropriate state approving agency may approve the application of an institution

when the institution and its non-accredited courses are found upon investigation to meet, among other criteria, the following:

- a) In the case of a course designed to prepare an individual for licensure or certification in a State, the course meets all instructional curriculum licensure or certification requirements of such State, and in the case of a course designed to prepare an individual for licensure to practice law in a state, is accredited by an accrediting agency or association recognized by the Secretary of Education.
- b) In the case of a course designed to prepare an individual for employment pursuant to standards developed by a board or agency of a State in an occupation that requires approval, licensure, or certification, the course meets such standards, and in the case of a course designed to prepare an individual for licensure to practice law in a State, is accredited by an accrediting agency or association recognized by the Secretary of Education. (38 U.S.C. Section 3676 (c).)
- 6) Under federal law, provides, that the United States Secretary of Education may waive the requirements of 5) in the case of a course of education offered by an educational institution (either accredited or not accredited) if the Secretary determines all of the following:
 - a) The educational institution is not accredited by an agency or association recognized by the Secretary of Education;
 - b) The course did not meet the requirements of such paragraph at any time during the 2-year period preceding the date of the waiver;
 - c) The waiver furthers the purposes of the educational assistance programs administered by the Secretary or would further the education interests of individuals eligible for assistance under such programs; and
 - d) The educational institution does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance. (38 U.S.C. Section 3676 (f).)

This bill:

- 1) Requests that the United States Congress address provisions in the federal "GI Bill" related to law schools that presently prohibit federal veterans' educational benefits from being provided for attendance at non-American Bar Association law schools,

including institutions deemed a California accredited law school by the State Bar of California.

2) Declares the following:

- a) In response to the need to address the employment and retraining of veterans and the administration of federal Department of Veterans Affairs programs, the United States Congress enacted H.R. 7105, which, among other things, required that, for a law school to be approved for GI Bill enrollments, it must be accredited by a “specialized accrediting agency for legal programs” and recipients of law degrees from those accredited programs “must be eligible to sit for a bar examination in any State”;
- b) The American Bar Association is the only “specialized accrediting agency for legal programs” in the United States where recipients of law degrees from those accredited programs are “eligible to sit for a bar examination in any State;”
- c) The State of California has been accrediting law schools since 1937 under the supervision of the Supreme Court of California, as authorized by the State of California through its Business and Professions Code and administered through the Committee of Bar Examiners of the State Bar of California;
- d) Until the recent amendment to the GI Bill, veterans and their eligible dependents have been able to use their GI Bill educational benefits to apply to and, if accepted, attend any law school of their choice;
- e) Under the recent amendment to the GI Bill, veterans and their eligible dependents would be denied the alternative of attending any one of the 23 California accredited law school programs, many of which have successfully served veterans and their eligible dependents for more than 50 years;
- f) Law schools accredited by the State of California grant law degrees that qualify the graduates to sit for the California bar exam and if licensed, subject to individual state licensure requirements, sit for the bar exam in at least 30 additional states;
- g) Veterans and their eligible dependents who apply to use their GI Bill educational benefits at California accredited law schools are notified, in writing and in advance of enrollment, that graduation from a non-ABA-approved law school may not qualify them to sit for the bar exam in some jurisdictions;
- h) Comprehensive rules and guidelines are promulgated and administered by the Committee of Bar Examiners of the State Bar of California and overseen by the California Supreme Court to protect veterans and the public and to ensure quality of legal education at all California accredited law schools. These

regulations are equally as proscriptive and detailed as regulations promulgated by the ABA;

- i) There are accreditors in addition to the ABA, such as the State Bar of California and accrediting agencies approved by the Department of Education such as the Western Association of Schools and Colleges and the Distance Education Accrediting Commission, that also provide rigorous and comprehensive accreditation of law schools. With the passage of H.R. 7105, schools accredited by those qualified and authorized accrediting agencies will be disqualified from eligibility to participate in the GI Bill educational program because of the overly restrictive requirement that only accreditors that are a “specialized accrediting agency for legal programs” where recipients of law degrees from those accredited programs are “eligible to sit for a bar examination in any State” will be eligible under the amended statute;
- j) California accredited law schools have the specific and unique mission of serving as “opportunity law schools” that create the opportunity for a quality legal education in geographic areas that are not served by traditional ABA-approved law schools, including numerous military communities that serve remote military facilities;
- k) California accredited law schools, as “opportunity law schools,” consider a broad range of admission criteria, going beyond undergraduate grade point averages and standardized testing to identify students who have demonstrated characteristics that indicate a potential for successful law studies, including veterans and their eligible dependents who would not qualify for admission to traditional ABA-approved law schools where high grades and top percentile standardized Law School Admission Test scores are required in order for a candidate to be competitive;
- l) Veterans and their eligible dependents have proven to be successful in the smaller, highly interactive, highly supportive, academic programs provided by California accredited law schools;
- m) Some California accredited law schools have significantly higher passage rates on the California Bar Exam than some ABA-approved law schools, but have far lower costs of tuition, providing the option for a better value for the educational dollar for veterans, their eligible dependents, and the federal government;
- n) California accredited law schools also include among their part-time evening programs several accredited hybrid online and fully online JD programs that provide flexibility and even greater geographic access for veterans and working adult law students who are financially or otherwise unable to relocate to attend the traditional residential ABA-approved law school programs; and

- o) Under the review, evaluation, approval, and oversight of the California State Approving Agency for Veterans Education, California accredited law schools previously have been evaluated and approved as “accredited” institutions under the GI Bill, or as “nonaccredited” institutions that met the waiver requirements of the GI Bill, and that a California accredited law school has not previously been denied eligibility by California State Approving Agency for Veterans Education due to noncompliance under the rigorous standards of the GI Bill.
- 3) Resolves by the Assembly and the Senate of the State of California, jointly the following:
 - a) The Legislature calls upon the 117th United States Congress to recognize that California accredited law schools have successfully provided a valuable “opportunity law school” option for veterans and their eligible dependents throughout the State of California for decades and that, of the approximately 1.9 million veterans in California, many are working adults who cannot quit their jobs or move their families in order to use their GI Bill educational benefits to attend an ABA-accredited law school. Many nontraditional veteran applicants and their eligible dependents will not qualify for restrictive ABA admission standards that rely almost entirely on high grade point averages and top percentile LSAT scores, but these veterans and their eligible dependents have demonstrated success in the smaller, highly interactive, highly supportive, California accredited law school academic programs that, in many cases, cost one-half to one-third the amount of an ABA-accredited law school, a value that benefits veterans and is cost effective for government funding;
 - b) The United States Congress should revise Section 3676(c)(14)(B) and (c)(15)(B) of Title 38 of the United States Code (the GI Bill) to remove the requirement that, to be eligible for GI benefits, a law school be accredited by a specialized accretitor and the overly broad restriction that graduates must be eligible to sit for a bar examination in any state; and be it further resolved that the Chief Clerk of the Assembly transmit copies of this resolution to the Speaker of the U.S. House of Representatives, to the Majority Leader of the United States Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

COMMENTS

1. Stated need for the measure

According to the author:

Last year Congress needlessly cut off the ability for veterans to use GI Bill benefits to fund their legal education at a California-accredited law school. These law schools offer several benefits to California veterans and their beneficiaries, including the fact

that they are located in closer proximity to military bases when compared with university-affiliated law schools. Additionally, many California accredited schools offer flexible schedules and evening classes, a benefit to many non-traditional law students, including those with families and jobs, which includes a large portion of veterans. AJR 12 calls on Congress to remedy the recent changes in federal law, and provide opportunities for California veterans to seek a quality legal education from these important institutions.

2. Recent GI Bill amendments make it so that students cannot use GI Bill fund to attend most California accredited law schools

The State Bar of California accredits some law schools. These law schools are not always also accredited by the ABA. As explained by the State Bar of California, in support of this measure:

[T]he resolution promotes the expansion of access to educational resources for California's veterans. Allowing GI Bill educational benefits to be used for attendance at one of California's State Bar accredited law schools recognizes the importance of the alternative pathways that California has created to a legal career.

The State Bar of California accredits law schools in California ("Cal Accredited") to open as many avenues as possible to a career in the law. By providing alternatives to American Bar Association accredited law schools, Cal Accredited law schools provide greater flexibility for veterans interested in the legal profession. Cal Accredited schools are typically more affordable, often offer part-time schedules or evening classes to accommodate those who need to work while attending law school, and can offer fully online programs. In addition, Cal Accredited schools can be found in rural areas and other parts of California where ABA law schools are not available.

By requiring a law school to be accredited by a "specialized accrediting agency for legal programs," and requiring recipients of law degrees from those programs be eligible to sit for a bar exam in any state, veteran law students of all 23 Cal Accredited law schools would be ineligible to use their GI Bill educational benefits to attend one of these schools. California's veteran law students deserve every opportunity for quality law school education and we should be making it easier, not more difficult, for them to join the legal profession.

A veteran generally must attend an accredited college or university in order to be eligible for GI Bill benefits. There was an exception to this requirement for law schools prior to the most recent GI Bill changes. Those who qualify for the GI bill could attend California accredited law schools if they could seek formal accreditation by a program

focusing on veteran education. The Legislature passed and the Governor signed SB 1059 (Monning) (Ch. 428, Stats. 2016) into law. SB 1059 provided that law schools accredited by the State Bar of California could seek additional approvals from the California State Approving Agency for Veteran's Education and be qualified to receive GI Bill benefits. When the GI Bill was amended in 2020, changes were made to the law school accreditation portion of the GI Bill. The amendments created new requirements regarding law schools. Pursuant to the amendments to the GI bill, law schools receiving funds from the GI Bill must be accredited by a "specialized accrediting agency for legal programs." This change eliminated the ability for the California State Approving Agency for Veteran's Education to certify the ability of California accredited law schools to receive GI Bill funds. Moreover, an additional change to the GI Bill requires the law school's graduates to be eligible to sit for a bar examination in any state. Graduates of California accredited law schools are not always eligible to sit for the bar of every state. For these reasons, law school students at California accredited law schools are no longer able to use the GI bill to fund their law school educations

3. Support for the Resolution

The American Legion-Department of California, AMVETS-Department of California, California Association of County Veterans Service Officers, California State Commanders Veterans Council, Military Officers Association of America-California Council of Chapters, and the Vietnam Veterans of America-California State Council write the following in support of AJR 12:

Veterans seeking to use their G.I. Bill benefits at a California accredited law school are not allowed to do so due to recently passed HR 7105, which restricted the use of G.I. Bill funds only to law schools accredited by the American Bar Association (ABA). Law schools accredited by the ABA enable their graduates to sit for the bar exam in any state in the country.

This will restrict the opportunities that many veterans have to attend law school. While ABA accredited schools are the gold standard, these top tier, and often exclusive law schools may not be the most sensible pathway for veterans in their late twenties or early thirties seeking to work towards a law career. Many veterans are balancing families and jobs as well as struggling to reintegrate into civilian life and may have to pursue a part-time education, of which there are few ABA schools that offer this flexibility. California accredited law schools provide lower costs, flexibility for a student with a family, and more local campus choices.

The majority of law school graduates sit for the bar exam and practice law in the state from which they received their law degree. It does not seem reasonable to require that all law schools accessible via the G.I. Bill enable a graduate to sit for the bar exams of every state. [. . .]

The public policy concerning today's G.I. Bill should be inclusive and facilitate the great tradition of the original Servicemen's Readjustment Act of 1944, which was a major contribution to America's knowledge base and encouraged long-term economic growth.

SUPPORT

American Legion-Department of California
AMVETS-Department of California
California Association of County Veterans Service Officers
California State Commanders Veterans Council
Dan Dow, District Attorney of the County of San Luis Obispo
Kern County College of Law
Military Officers Association of America-California Council of Chapters
Monterey College of Law
Monterey County Military and Veterans Affairs Office
San Joaquin College of Law
San Luis Obispo College of Law
Santa Barbara and Ventura Colleges of Law
St. Francis School of Law
State Bar of California
Thomas Jefferson School of Law
University of La Verne College of Law
Vietnam Veterans of America-California State Council
Two individuals

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: None known.

PRIOR VOTES:

Assembly Floor (Ayes 77, Noes 0)

Assembly Judiciary Committee (Ayes 11, Noes 0)
