

Ask the Lawyer: Education Interrupted by Service? Know Your Rights

Q:

I recently started attending college and am really enjoying it. I also serve in the National Guard. I've heard some professors grumble about students missing classes because of military obligations. I'm a little worried about what will happen to my academic career after I get deployed. Should I worry about this?

A:

Veterans may encounter social and psychological hurdles when they try to return to school after a deployment. College administrators should not add to their challenges.

In 2008, President Bush signed into law the Higher Education Opportunity Act. The law entitles students at higher education institutions to readmission when they must take a leave of absence brought on by military service. A student must be readmitted with the same academic status he had when he last attended classes at the school.

Essentially, this law established an academic version of the Uniformed Services Employment and Reemployment Rights Act

, which protects service members' rights to employment, re-employment and benefits in the public and private sectors.

To qualify for these protections, students must:

Notify, either in writing or verbally, the appropriate school officer of their orders.

Serve and be absent from school for no more than a cumulative period of five years.

Provide notice of their intent to re-enroll.

Not be dishonorably discharged.

Students do not have to provide notice when their orders are part of a mission, operation, requirement or exercise that could be adversely affected by such public notification. Even if the student fails to provide advance notice, he could still qualify for the protections by submitting, with his readmission papers, an attestation explaining that his uniformed service prompted his absence.

Service members generally have three years after completing their service to submit their re-enrollment notice. Service-disabled veterans have two years after recovering from an illness or injury to provide such notice.

School policies and state laws may differ relating to students' options for leaving for active

duty before a term is complete. Usually, the student is permitted to withdraw from the institution or drop a class and get a refund.

Another possibility is receiving a grade of incomplete with the ability to complete the course during or after active service. If the student has been accepted to an institution such as a law school or medical school, and is deployed for two years before starting classes, the accepting school cannot force him to reapply after completing his uniformed service.