

**LAW REVIEW 19027**  
**March 2019**  
**(This Law Review superseded by [Law Review 21038, July, 2021](#))**

## **Where to Find Federal and State Laws Online that Protect Students whose Educational Careers Are Interrupted by Military Service**

By Commander Wayne L. Johnson, JAGC, USN (Ret.)  
[Update on Sam Wright](#)

### 1.1.2.4--Students

Over the past several years the Reserve Officers Association (ROA) has published several Law Review (LR) articles (see the below listing) that deal with service members attending colleges and other postsecondary education institutions having certain federal and state legal protections when they are mobilized – covering Active Duty, Reserve and Guard personnel. In some of those articles the reader was referred to the Service Opportunities Colleges (SOC) materials posted on the American Association of State Colleges and Universities (AASCU) web page. That website no longer exists. SOC was established in 1972 to help meet the voluntary higher education needs of service members. SOC was a Department of Defense (DoD) contractor supporting government-sponsored education programs funded through a DoD-managed contract with the AASCU. The contract ended in 2017. I was able to capture most of the SOC-AASCU web page content and provide it here.

#### **Prior ROA Law Review articles that have dealt with this area:**

[No. 17019](#) Presidential Executive Order 13607 Establishes Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members, April 27, 2012: Expanded Coverage of 34 CFR 668.18 To Include Mobilizations of 30 Days or Fewer

[No. 15039](#) Federal Law Protects Students Called to the Colors during a Semester, But it Does not Help the Student who Must Miss a few Days for Drills or Annual Training

[No. 15038](#) Federal and State Laws Protect Students Whose Educational Careers Are Interrupted by Military Service

[No. 13071](#) New Washington Law Protects Students who Are Members of the National Guard or Reserve

[No. 13070](#) Federal and State Laws Protect Students whose Educational Careers Are Interrupted by Military Service

No. 10052 Readmission of Servicemembers to Postsecondary Institutions - Details Regarding the Department of Education (DOE) Regulations Implementing the New Law on Mandatory Readmission of Mobilized Reserve and Guard and Active Duty Student

**What follows here is a compilation of the materials that used to be on the SOC.AASCU web Activation / Mobilization Support**

Servicemembers Opportunity Colleges (SOC) supports our servicemembers called to active duty in the fight against global terrorism. In cooperation with the Department of Defense, we are providing assistance to activated military students and the colleges/institutions in which they are enrolled. Included in this section are a checklist for students who are currently attending college and have been called to active duty; sample letters to college administrators, student loan administrators, and apprenticeship/OJT certifying officials advising them of the student's activation; and information on the disposition of GI Bill benefits and student loans upon activation. In addition, we provide related web links with valuable information to both students and college administrators. Policy letters, federal law, state laws, and governing policies addressing activation of military students include letters issued by the American Council on Education (ACE) and the American Association of State Colleges and Universities (AASCU) to their member institutions.

GI Bill Benefits and Student Loans

**Federal Law**

**HEROES ACT**

<https://www.hrc.army.mil/content/Higher%20Education%20Relief%20Opportunities%20For%20Students%20Act%20-%20HEROES>

[Higher Education Opportunity Act of 2008, Public Law 110-315, Section 487](#)

**Readmission Requirements**

[20 United States Code \(U.S.C.\) Section 1091c](#)

[5 Code of Federal Regulations \(C.F.R\) section 668.18](#)

GI Bill Benefits and Student Loans

**State Laws/Statutes/Codes/Governing Policies page – NOTE: This list may not include all the states and their laws in this area - so always check even if your state is not listed.**

**Alabama**

Alabama Code Title 31; Chapter 12 [https://www.lawserver.com/law/state/alabama/al-code/alabama\\_code\\_title\\_31\\_chapter\\_12](https://www.lawserver.com/law/state/alabama/al-code/alabama_code_title_31_chapter_12) OR

<https://law.justia.com/codes/alabama/2017/title-31/chapter-12/>

**Arkansas**

[Arkansas Activation Law, Subtitle 5; Chapter 61; Subchapter 1; 6-61-112](#)

<https://law.justia.com/codes/arkansas/2017/title-6/subtitle-5/chapter-61/subchapter-1/>

**Colorado**

[Colorado Commission on Higher Education Policy](#)

<https://highered.colorado.gov/CCHE/Mission.html>

**Florida**

[Florida Statutes, Title XLVII K-20 Education Code, Chapter 1004 Public Postsecondary Education](#)

**Georgia**

[University System of Georgia Board of Regents Policy, Section 7; 7.3 Tuition and Fees; 7.3.5.3](#)

[Military Service Refunds](#)

**Hawaii**

[UH Systemwide Policies and Procedures](#)

[Military Leave Policy](#)

[Withdrawal for Call to Active Duty](#)

[Reinstatement of Deployed Servicemembers](#)

**Illinois**

[Veterans and Service Members \(330 ILCS 60/\) Service Member's Employment Tenure Act.](#)

[Sec. 5.2. School attendance and tuition.](#)

[Illinois Board of Higher Education Policy - Policies Concerning Students Called to Active Military Service](#)

**Iowa**

<https://www.educateiowa.gov/adult-career-and-community-college/veterans-military-education>

**Louisiana**

[Louisiana Revised Statute 29:38.2; Revised Statute 29:420](#)

**Minnesota**

[Minnesota Statutes, 192.502 PROTECTIONS](#)

**Mississippi**

[Mississippi IHL Board; Amendment 505.01 Students Called to Active Duty](#)

**Missouri**

[Missouri Revised Statutes Chapter 41 Military Forces Section 41.948](#)

**New Jersey**

[New Jersey - Chapter 62 of Title 18A of the New Jersey Statutes](#)

<https://law.justia.com/codes/new-jersey/2018/title-18a/>

**New York**

[New York Patriot Plan](#)

**Pennsylvania**

[Pennsylvania State Policy, Chapter 32, Section 3206](#)

[Pennsylvania State System of Higher Education Board of Governors POLICY 1983-19-A: REFUND OF TUITION AND FEES](#)

**South Carolina**

[South Carolina Title 59 - Education; CHAPTER 101; ARTICLE 1; SECTION 59-101-395](#)

**Tennessee**

[Tennessee Higher Education Commission Rules](#)

**Texas**

[Texas Title 19: Education \(PART 1; CHAPTER 4; SUBCHAPTER A; RULE §4.9\)](#)

[Texas Section 54.006 Refund of Tuition and Fees](#)

**Washington**

[Washington State Final Bill Report SB 5343 — Higher Education Students Involved in Military Service](#)

**West Virginia**

[West Virginia's Article 1F, 15-1F-1 and 15-1F-1a](#)

**Wisconsin**

[Wisconsin Act 22](#)

**Activation and Mobilization Checklist Provided by SOC AASCU**

**Before You Leave**

Notify the school and your professor/instructor that you have been activated and present the appropriate administrator with a copy of your orders.

Be sure to make contact either in person or via telephone. Leaving a voice-mail or e-mail message is insufficient because further information may be required.

Keep a record of names, dates, individuals, and a brief summary of your conversations with the school and lending institution.

Notify your school's VA counselor that you have been activated and present your activation orders. Discuss the appropriate course of action with the VA Counselor.

**Note: Do not withdraw from school until you have your orders.**

Contact your student loan lending institution. It is your responsibility to follow through with any procedure the lender indicates.

Call your Education Office. If you encounter any problems resolving your academic status, request assistance from your Education coordinator.

**Note: To ensure proper credit and to prevent any financial loss to the soldier, these steps must be completed prior to departure.**

### **When You Return**

Contact the VA Certifying Official at your school to determine your eligibility for the Reserve Education Assistance Program (REAP - Chapter 1607), the Post-9/11 GI Bill (Chapter 33), or the Active Duty GI Bill (MGIB-AD Chapter 30), and to establish reinstatement of your GI Bill benefits.

To determine your eligibility for MGIB-AD Chapter 30 and or the Post-9/11 GI Bill, contact your Education Officer.

Upon redeployment, if you plan to continue your education, contact your college admissions professional to find out what steps you must take to re-enroll. If you withdrew from school, you may be required to re-apply in order to get back into their system. Contact your school's admissions counselor for application details and to determine your class standing.

**Note: Depending on how long you were away from school, this process may differ from that of a first time applicant.**

Re-establish contact with your academic advisor to discuss continuation of your degree program and applicable credit for your military experience and training.

Contact your Education Officer to determine eligibility for tuition assistance and how to apply.

## Sample Letters by SOC AASCU

### ***Sample Letter to College Administrators***

Date:

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Name of College

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College Address

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City/State/Zip

Dear College Administrator:

I, \_\_\_\_\_, SSN: \_\_\_\_\_ request cancellation of my <school term> enrollment and that all charges incurred be waived for this term. The reason for this request is the activation of my <Service unit> for <reason for mobilization>. A copy of my order to active duty is attached.

The U.S. Department of Education issued guidance to colleges and universities strongly encouraging them to provide full refunds of tuition and other institutional charges to those students forced to withdrawal to fulfill their military obligation. To discuss this guidance, please contact the Education Office at < telephone/e-mail>

Thank you for your consideration in this matter and I hope to return to classes as soon as I am released from active duty.

Sincerely,

---

Student's Signature

Enclosure

Student's Orders

< state>

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Printed Name of Student

---

Student's Street Address

---

City, State, Zip

***Sample Letter to Lending Institutions***

Date:

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Name of Lender

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Lender's Address

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City/State/Zip

Dear Loan Administrator:

I \_\_\_\_\_, SSN: \_\_\_\_\_ have been ordered to active duty for <reason for mobilization>. A copy of my order to duty is attached. I request that my student loan(s) if in an in-school status, an in-school deferment status, or in a grace period status remain in that status during my period of active duty. I also request the appropriate time for me to resume enrollment in the next regular enrollment period that is available.

If my loan(s) are in a repayment status, I request forbearance for the period indicated on my attached orders.

Should you have any questions please contact the Education Office at < telephone/e-mail>

Sincerely,

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Student's Signature

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Printed Name of Student

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Student's Street Address

---

City/State/Zip

Enclosure

Student's Orders

CF:

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Unit

<Service personnel office>

***Sample Letter to Apprenticeship/OJT Certifying Official***

Date:

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Name of Firm

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Firm's Address

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City/State/Zip

Dear OJT/Apprenticeship Certifying Official:

I \_\_\_\_\_, SSN: \_\_\_\_\_ have been ordered to active duty for <reason for mobilization>. A copy of my order to duty is attached. I request cancellation of my OJT/Apprenticeship training program. My last day of work at the firm prior to activation is \_\_\_\_\_.

Thank you for your consideration in this matter and I hope to return to work soon after I am released from Active Duty. Upon my return to work, the State Approving Agency must be notified as to the following:

First day back to work at the firm  
Deactivation orders  
Form DD214

This is a significant change in the status of my enrollment and must be accompanied by VA Form 22-1999b.

Should you have any questions please contact the Education Office at < telephone/e-mail>

Sincerely,

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student's Name and Signature

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student's Address

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City/State/Zip

Enclosure  
Student's Orders  
CF:

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Unit  
< Service personnel office>  
< state approving agency office>

**About Commander Johnson** – Wayne Johnson holds a Bachelor of Science in Political Science from West Chester State College and a Juris Doctor, cum laude from Mercer College as well as a Master of Laws from Tulane University Law School. Wayne served in the Army from 1975 to 1979 and was a commissioned ensign in the Navy in 1982 advancing to Commander in 1996. He served as Senior Defense Counsel & Chief Legal Assistance Attorney, Naval Legal Service Office, Pensacola, FL 1983-1985; the Staff Judge Advocate for the USS Canopus 1985-1987; as a Military Law Instructor at the Naval Justice School, Newport, RI 1987-1989; and the Special Assistant for Legal Affairs at Naval Reserve Recruiting Command, New Orleans 1989-1999. Wayne retired in 1999 with 20 years of active military service. Since 2005, Wayne has been employed by the Department of Health and Human Service, Office of the General Counsel, Ethics Division, Washington, DC.