

Subsec. (b)(3). Pub. L. 103-208, §2(h)(27), substituted “subsection (c) of this section” for “subsection (d) of this section”.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-171 effective July 1, 2006, except as otherwise provided, see section 8001(c) of Pub. L. 109-171, set out as a note under section 1002 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of this title.

§ 1091c. Readmission requirements for service-members

(a) Definition of service in the uniformed services

In this section, the term “service in the uniformed services” means service (whether voluntary or involuntary) on active duty in the Armed Forces, including such service by a member of the National Guard or Reserve, for a period of more than 30 days under a call or order to active duty of more than 30 days.

(b) Discrimination against students who serve in the uniformed services prohibited

A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform, service in the uniformed services shall not be denied readmission to an institution of higher education on the basis of that membership, application for membership, performance of service, application for service, or obligation.

(c) Readmission procedures

(1) In general

Any student whose absence from an institution of higher education is necessitated by reason of service in the uniformed services shall be entitled to readmission to the institution of higher education if—

(A) the student (or an appropriate officer of the Armed Forces or official of the Department of Defense) gives advance written or verbal notice of such service to the appropriate official at the institution of higher education;

(B) the cumulative length of the absence and of all previous absences from that institution of higher education by reason of service in the uniformed services does not exceed five years; and

(C) except as otherwise provided in this section, the student submits a notification of intent to reenroll in the institution of higher education in accordance with the provisions of paragraph (4).

(2) Exceptions

(A) Military necessity

No notice is required under paragraph (1)(A) if the giving of such notice is precluded by military necessity, such as—

(i) a mission, operation, exercise, or requirement that is classified; or

(ii) a pending or ongoing mission, operation, exercise, or requirement that may be compromised or otherwise adversely affected by public knowledge.

(B) Failure to give advance notice

Any student (or an appropriate officer of the Armed Forces or official of the Department of Defense) who did not give advance written or verbal notice of service to the appropriate official at the institution of higher education in accordance with paragraph (1)(A) may meet the notice requirement by submitting, at the time the student seeks readmission, an attestation to the student's institution of higher education that the student performed service in the uniformed services that necessitated the student's absence from the institution of higher education.

(3) Applicability

This section shall apply to a student who is absent from an institution of higher education by reason of service in the uniformed services if such student's cumulative period of service in the Armed Forces (including the National Guard or Reserve), with respect to the institution of higher education for which a student seeks readmission, does not exceed five years, except that any such period of service shall not include any service—

(A) that is required, beyond five years, to complete an initial period of obligated service;

(B) during which such student was unable to obtain orders releasing such student from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such student; or

(C) performed by a member of the Armed Forces (including the National Guard and Reserves) who is—

(i) ordered to or retained on active duty under section 688, 12301(a), 12301(g), 12302, 12304, or 12305 of title 10 or under section 251, 252,¹ 359, 360, 367, or 712¹ of title 14;

(ii) ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary concerned;

(iii) ordered to active duty (other than for training) in support, as determined by the Secretary concerned, of an operational mission for which personnel have been ordered to active duty under section 12304 of title 10;

(iv) ordered to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the Armed Forces (including the National Guard or Reserve); or

(v) called into Federal service as a member of the National Guard under chapter 13 of title 10 or section 12406 of title 10.

¹ See References in Text note below.

(4) Notification of intent to return**(A) In general**

Except as provided in subparagraph (B), a student referred to in subsection (a) shall, upon the completion of a period of service in the uniformed services, notify the institution of higher education of the student's intent to return to the institution not later than three years after the completion of the period of service.

(B) Hospitalization or convalescence

A student who is hospitalized for or convalescing from an illness or injury incurred in or aggravated during the performance of service in the uniformed services shall notify the institution of higher education of the student's intent to return to the institution not later than two years after the end of the period that is necessary for recovery from such illness or injury.

(C) Special rule

A student who fails to apply for readmission within the period described in this section shall not automatically forfeit such eligibility for readmission to the institution of higher education, but shall be subject to the institution of higher education's established leave of absence policy and general practices.

(5) Documentation**(A) In general**

A student who submits an application for readmission to an institution of higher education under this section shall provide to the institution of higher education documentation to establish that—

(i) the student has not exceeded the service limitations established under this section; and

(ii) the student's eligibility for readmission has not been terminated due to an exception in subsection (d).

(B) Prohibited documentation demands

An institution of higher education may not delay or attempt to avoid a readmission of a student under this section by demanding documentation that does not exist, or is not readily available, at the time of readmission.

(6) No change in academic status

A student who is readmitted to an institution of higher education under this section shall be readmitted with the same academic status as such student had when such student last attended the institution of higher education.

(d) Exception from readmission eligibility

A student's eligibility for readmission to an institution of higher education under this section by reason of such student's service in the uniformed services terminates upon the occurrence of any of the following events:

(1) A separation of such person from the Armed Forces (including the National Guard and Reserves) with a dishonorable or bad conduct discharge.

(2) A dismissal of such person permitted under section 1161(a) of title 10.

(3) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

(Pub. L. 89-329, title IV, §484C, as added Pub. L. 110-315, title IV, §487, Aug. 14, 2008, 122 Stat. 3290; amended Pub. L. 115-232, div. A, title XII, §1204(a)(6), (b)(2), Aug. 13, 2018, 132 Stat. 2017.)

REFERENCES IN TEXT

Sections 251 and 252 of title 14, referred to in subsec. (c)(3)(C)(i), probably should be references to sections 2127 and 2128 of title 14. Prior to amendment by Pub. L. 115-232, §1204(b)(2) (see 2018 Amendment note below), those references were to sections 331 and 332 of title 14 and probably should not have been amended by Pub. L. 115-232 to conform to the renumbering of those sections as sections 251 and 252 because the renumbered sections were in title 10 of the Code and not title 14. Sections 331 and 332 of title 14 were renumbered sections 2127 and 2128, respectively, of title 14 by Pub. L. 115-282, title I, §112(b), Dec. 4, 2018, 132 Stat. 4216, and references to sections 331 and 332 of title 14 deemed to refer to such redesignated sections, see section 123(b)(1) of Pub. L. 115-282, set out as a References to Sections of Title 14 as Redesignated by Pub. L. 115-282 note preceding section 101 of Title 14, Coast Guard.

Sections 359, 360, 367, and 712 of title 14, referred to in subsec. (c)(3)(C)(i), were renumbered sections 2308, 2309, 2314, and 3713, respectively, of title 14 by Pub. L. 115-282, title I, §§113(b), 118(b), Dec. 4, 2018, 132 Stat. 4221, 4233, and references to sections 359, 360, 367, and 712 of title 14 considered to refer to such sections, see section 123(b)(1) of Pub. L. 115-282, set out as a References to Sections of Title 14 as Redesignated by Pub. L. 115-282 note preceding section 101 of Title 14, Coast Guard.

PRIOR PROVISIONS

Prior sections 1091c to 1091f were repealed, effective Sept. 30, 1976, by Pub. L. 94-482, title I, §151(a)(2), (b), Oct. 12, 1976, 90 Stat. 2151.

Section 1091c, Pub. L. 89-329, title V, §504, as added Pub. L. 90-35, §2(c), June 29, 1967, 81 Stat. 83; amended Pub. L. 90-575, title II, §231(a), Oct. 16, 1968, 82 Stat. 1039; Pub. L. 92-318, title I, §141(a)(1)(B), (c)(1)(B), June 23, 1972, 86 Stat. 284, 285, authorized the Commissioner to make grants or contracts with State or local educational agencies for attracting qualified persons to the field of education.

Section 1091d, Pub. L. 89-329, title V, §505, as added Pub. L. 90-35, §2(c), June 29, 1967, 81 Stat. 84, required the Commissioner to consult with the National Science Foundation and the National Foundation on the Arts and the Humanities in development and review of programs.

Section 1091e, Pub. L. 89-329, title V, §506, as added Pub. L. 90-35, §2(c), June 29, 1967, 81 Stat. 84, authorized transfer of funds for programs for education professions development.

Section 1091f, Pub. L. 89-329, title V, §507, as added Pub. L. 90-35, §2(c), June 29, 1967, 81 Stat. 84, authorized employment of experts and consultants and set forth provisions for compensation and travel expenses.

AMENDMENTS

2018—Subsec. (c)(3)(C)(i). Pub. L. 115-232, §1204(b)(2), substituted “section 251, 252,” for “section 331, 332.”

Subsec. (c)(3)(C)(v). Pub. L. 115-232, §1204(a)(6), substituted “chapter 13” for “chapter 15”.

§ 1092. Institutional and financial assistance information for students**(a) Information dissemination activities**

(1) Each eligible institution participating in any program under this subchapter shall carry