



Minnesota National Guard Support For HF 3540

Nicholas Slade
Deputy General Counsel
Minnesota Department of Military Affairs

Veteran Status

DMA Supports Amendment 1

Currently Veteran status under both Federal law and State law require varying minimum amounts of federal active service. State Active Duty, weekend drills and Annual Training don't qualify.

Including "former" member is important!

We are State forces, serving the State, the State should take care of US.



Education Protections

Nicholas Slade
Deputy General Counsel
Minnesota Department of Military Affairs

State Education Protections

State Postsecondary protections under Minn. Stat. §192.502:

- (1) Student may withdraw from one or more course and credited tuition and fees to student's account at your institution;
- (2) Student may be given a grade of incomplete and be allowed to complete the course upon release from active service; or
- (3) Student may continue and complete the course for full credit with class session the student misses due to performance of active military service counted as excused and not used in any way to adversely impact the student's grade or standing in the class. Any student who selects this option is *not, however, automatically excused from completing assignments due* during the period the student is performing active military service or receiving medical treatment or recovering from a medical condition. *A letter grade or a grade of pass must be awarded only if, in the opinion of the faculty member teaching the course, the student has completed sufficient work and has demonstrated sufficient progress toward meeting course requirements to justify the grade;*

The reoccurring problem

- Guard member currently enrolled in Peace Officer training course. Course is 2-year certificate program. Soldier called to State Active duty for civil unrest. Resulting in missing classes 3 weekend practicums in evidence collection.
- Member requested to continue as evidence collection is only offered once a year in the Winter.
- School would not allow continuation because of missed practicums and expense of bringing in the trainers out of cycle.
- Previous mobilizations have had similar problems with Nursing Programs, Emergency Medical Technicians, and Peace Officers.

Problems under M.S. 192.502

- Doesn't require School to assist the Student.
- Federal law requires reasonable efforts by the institution to assist the student to resume the program at the point where he or she left off –or– show that it would present **undue hardship** to the school to prepare the student to resume the program or to enable the student to complete the program.

Certificate programs where each class is progressive often only offer each class once a year, so inability to complete a class can require Guard Member to wait a year to resume education.

Other Protection issues under State Active Duty

Education Benefits:

- Federal protections of the “Higher Education Opportunity Act,” 20 U.S.C. § 1091c, don’t apply to SAD and only apply after 30-days of active duty.