

# SENATE, No. 128

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator GERALD CARDINALE**

**District 39 (Bergen and Passaic)**

**Senator ANTHONY R. BUCCO**

**District 25 (Morris and Somerset)**

**Co-Sponsored by:**

**Senator Greenstein**

**SYNOPSIS**

Requires institutions of higher education to provide greater assistance to certain students with military obligations.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning students with military obligations attending  
2 institutions of higher education, amending P.L.1997, c.377, and  
3 supplementing chapter 62 of Title 18A of the New Jersey  
4 Statutes.

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*

8

9 1. Section 1 of P.L.1997, c.377 (C.18A:62-4.2) is amended to  
10 read as follows:

11 1. a. A student at a New Jersey public institution of higher  
12 education who is unable to complete a course because the student is  
13 called to partial or full mobilization for State or federal active duty  
14 as a member of the National Guard or a Reserve component of the  
15 Armed Forces of the United States , including calls for monthly  
16 drills, annual training, and any active duty whether voluntary or  
17 involuntary, shall be entitled to the options set forth in this section  
18 with respect to the student's grade for the course.

19 b. A student who has completed at least eight weeks of  
20 attendance in a course may choose to:

- 21 (1) receive a letter grade; or  
22 (2) receive a grade of pass or fail; or  
23 (3) receive a grade of incomplete; or  
24 (4) withdraw from the course.

25 c. A student who has completed less than eight weeks of  
26 attendance in a course may choose to:

- 27 (1) receive a grade of incomplete; or  
28 (2) withdraw from the course.

29 d. A letter grade or a grade of pass shall only be awarded if, in  
30 the opinion of the faculty member teaching the course, the student  
31 has completed sufficient work, and there is sufficient evidence of  
32 progress toward meeting the requirements of the course, to justify  
33 the grade.

34 e. A grade of incomplete shall remain valid for a period of one  
35 year after the student returns to the New Jersey public institution of  
36 higher education.

37 f. A student who chooses to accept a grade of pass or fail may,  
38 within one year after returning to the New Jersey public institution  
39 of higher education, receive a letter grade for the course by  
40 completing the work required for the course, in which case the  
41 letter grade shall replace the pass or fail grade as the student's grade  
42 for the course.

43 g. A student who chooses to withdraw from a course shall  
44 receive a full refund of tuition and fees attributable to that course.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 h. A student who has paid amounts for room, board or fees  
2 shall, except as provided in subsection g. of this section, receive a  
3 refund of that portion of those amounts attributable to the time  
4 period during which the student did not use the services for which  
5 payment was made.

6 i. Any refund payable to a student who is a financial aid  
7 recipient shall be subject to the applicable State and federal  
8 regulations regarding refunds.

9 (cf: P.L.1997, c.377, s.1)

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11 2. (New section) Each public and independent institution of  
12 higher education shall adopt and implement policies and procedures  
13 to assist a student enrolled in the institution, who is serving as a  
14 member of the National Guard or a Reserve component of the  
15 Armed Forces of the United States, to meet the student's military  
16 obligations without loss of academic status or opportunity. The  
17 policies and procedures shall provide that:

18 a. the student shall receive from the institution at which the  
19 student is enrolled notification each semester of his higher  
20 education rights and benefits as a member of the National Guard or  
21 a Reserve component of the Armed Forces of the United States  
22 enrolled in the institution including, but not limited to, those  
23 established pursuant to section 1 of P.L.1997, c.377 (18A:62-4.2),  
24 sections 3 and 4 of P.L. , c. (C. ) (pending before the  
25 Legislature as this bill), and any other section of law. These rights  
26 and benefits shall be prominently displayed on the website of the  
27 institution; and

28 b. accommodations are provided to the student for each class  
29 missed by the student due to military obligation, including where  
30 appropriate the provision of lecture notes from the professor or  
31 instructor, access to a tutor, and at least five days per each missed  
32 class to enable the student to complete coursework.

33

34 3. (New section) a. Each public or independent institution of  
35 higher education shall direct a student who is serving as a member  
36 of the National Guard or a Reserve component of the Armed Forces  
37 of the United States to notify each professor or instructor of his  
38 military obligations upon enrollment in the course or as soon as is  
39 reasonably possible once those obligations become known to the  
40 student.

41 b. In the event that a professor or instructor receives  
42 notification from a student of the student's military obligations  
43 pursuant to subsection a. of this section, the professor or instructor  
44 shall initiate communications with the student about each party's  
45 academic obligations when the student's military obligations  
46 interrupt coursework. The professor or instructor and the student  
47 shall enter into a contract that details each party's academic  
48 obligations. Each institution of higher education shall develop a

1 standard template for the contract through a negotiated process  
2 involving representatives of the administration, faculty unions, and  
3 veterans groups. The template shall require the signature of the  
4 professor or instructor, the student, and the direct supervisor of the  
5 faculty member.

6 c. The professor or instructor shall, to the extent feasible, offer  
7 the student options to complete coursework remotely through a  
8 modified curriculum that utilizes the Internet and other means, in  
9 the event that the student's military obligations prevent attendance  
10 at class.

11 d. In the event that the professor or instructor refuses to abide  
12 by the terms of the contract established pursuant to subsection b. of  
13 this section, the professor or instructor shall be subject to the  
14 regular disciplinary process established for the institution by its  
15 governing board.

16  
17 4. (New section) a. Each public and independent institution of  
18 higher education shall accept and apply towards a degree program  
19 the credit recommendation of the American Council on Education  
20 for a student's military experience, up to a maximum of 30 credits  
21 for a student enrolled in the institution. The credit recommendation  
22 represents college-level equivalencies based on a review of  
23 workforce training, military training or occupations, and other  
24 sources of learning outside the college classroom.

25 b. Nothing in this section shall be construed to require any  
26 public or independent institution of higher education to admit a  
27 student or to waive its admission standards and application  
28 procedures.

29 c. Nothing in this section shall be construed to prohibit a public  
30 or independent institution from accepting and applying towards a  
31 degree program more than 30 credits for a student's military  
32 experience should the institution choose to take such action.

33  
34 5. (New section) Notwithstanding the provisions of any law,  
35 rule, or regulation to the contrary, the provisions of P.L.1997,  
36 c.377 (C.18A:62-4.2) and P.L. , c. (C. ) (pending before the  
37 Legislature as this bill) shall be enforced by the New Jersey  
38 Department of Military and Veterans Affairs and complaints  
39 concerning violations shall be made to that department.

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41 6. This act shall take effect immediately and shall first apply to  
42 the 2015-2016 academic year.

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STATEMENT

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47 Current law provides a student at a New Jersey public institution of  
48 higher education who is unable to complete a course because the

1 student is called to partial or full mobilization for State or federal  
2 active duty as a member of the National Guard or a Reserve  
3 component of the Armed Forces of the United States with certain  
4 options regarding his grade for the course. This bill amends the law to  
5 ensure that it applies to students who could not complete the  
6 coursework due to monthly drills, annual training, and any active duty  
7 whether it be voluntary or involuntary.

8 The bill directs each public and independent institution of higher  
9 education to adopt and implement policies and procedures that will  
10 assist a student enrolled in the institution, who is serving as a member  
11 of the National Guard or a Reserve component of the Armed Forces of  
12 the United States, to meet the student's military obligations without  
13 loss of academic status or opportunity. Under the bill, the policies and  
14 procedures must provide for:

15 (1) the student to receive notification from the institution at which  
16 the student is enrolled each semester of his higher education rights and  
17 benefits as a member of the National Guard or a Reserve component of  
18 the Armed Forces of the United States enrolled in the institution. The  
19 institution must display these rights and benefits on its website; and

20 (2) accommodations to the student for each class missed by the  
21 student due to military obligation, including where appropriate the  
22 provision of lecture notes from the professor or instructor, access to a  
23 tutor, and at least five days per each missed class to enable the student  
24 to complete coursework.

25 Under the bill, each public or independent institution of higher  
26 education must direct a student who is serving as a member of the  
27 National Guard or a Reserve component of the Armed Forces of the  
28 United States to notify each professor or instructor of his military  
29 obligations upon enrollment in the course or as soon as reasonably  
30 possible once those obligations become known to the student. The  
31 professor or instructor must then initiate communications with the  
32 student about each party's academic obligations when the student's  
33 military obligations interrupt coursework. The professor or instructor  
34 and the student must also enter into a contract that details each party's  
35 academic obligations. The professor or instructor must, to the extent  
36 feasible, offer the student options to complete coursework remotely  
37 through a modified curriculum that utilizes the Internet and other  
38 means, in the event that the student's military obligations prevent  
39 attendance at class. In the event that the professor or instructor  
40 violates the contract, the professor or instructor will be subject to the  
41 regular disciplinary process established for the institution by its  
42 governing board. The penalty for noncompliance will only be applied  
43 in the event that a professor refuses to abide by the terms of the  
44 contract established under the bill's provisions.

45 The bill directs public and independent institutions of higher  
46 education to accept and apply towards a degree program the credit  
47 recommendation of the American Council on Education for a student's  
48 military experience, up to a maximum of 30 credits for a student

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1 enrolled in the institution. The bill provides that an institute of higher  
2 education at its discretion, may accept a greater number of credits for  
3 the students military experience than the cap established under the bill.

4 Finally, the bill provides that certain State laws pertaining to the  
5 higher education rights of students with military obligations will be  
6 enforced by the New Jersey Department of Military and Veterans  
7 Affairs and complaints concerning violations can be made to that  
8 department.