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

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

1. Section 1 of P.L.1997, c.377 (C.18A:62-4.2) is amended to read as follows:
   1. a. A student at a New Jersey public institution of higher education who is unable to complete a course because the student is called to partial or full mobilization for State or federal active duty as a member of the National Guard or a Reserve component of the Armed Forces of the United States, including calls for monthly drills, annual training, and any active duty whether voluntary or involuntary, shall be entitled to the options set forth in this section with respect to the student's grade for the course.
   b. A student who has completed at least eight weeks of attendance in a course may choose to:
      (1) receive a letter grade; or
      (2) receive a grade of pass or fail; or
      (3) receive a grade of incomplete; or
      (4) withdraw from the course.
   c. A student who has completed less than eight weeks of attendance in a course may choose to:
      (1) receive a grade of incomplete; or
      (2) withdraw from the course.
   d. A letter grade or a grade of pass shall only be awarded if, in the opinion of the faculty member teaching the course, the student has completed sufficient work, and there is sufficient evidence of progress toward meeting the requirements of the course, to justify the grade.
   e. A grade of incomplete shall remain valid for a period of one year after the student returns to the New Jersey public institution of higher education.
   f. A student who chooses to accept a grade of pass or fail may, within one year after returning to the New Jersey public institution of higher education, receive a letter grade for the course by completing the work required for the course, in which case the letter grade shall replace the pass or fail grade as the student's grade for the course.
   g. A student who chooses to withdraw from a course shall 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.
h. A student who has paid amounts for room, board or fees shall, except as provided in subsection g. of this section, receive a refund of that portion of those amounts attributable to the time period during which the student did not use the services for which payment was made.

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

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

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

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

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

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

b. In the event that a professor or instructor receives notification from a student of the student’s military obligations pursuant to subsection a. of this section, the professor or instructor shall initiate communications with the student about each party’s academic obligations when the student’s military obligations interrupt coursework. The professor or instructor and the student shall enter into a contract that details each party’s academic obligations. Each institution of higher education shall develop a
standard template for the contract through a negotiated process involving representatives of the administration, faculty unions, and veterans groups. The template shall require the signature of the professor or instructor, the student, and the direct supervisor of the faculty member.

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

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

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

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

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

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

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

STATEMENT

Current law provides a student at a New Jersey public institution of higher education who is unable to complete a course because the
student is called to partial or full mobilization for State or federal
active duty as a member of the National Guard or a Reserve
compartment of the Armed Forces of the United States with certain
options regarding his grade for the course. This bill amends the law to
ensure that it applies to students who could not complete the
coursework due to monthly drills, annual training, and any active duty
whether it be voluntary or involuntary.

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

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

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

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

The bill directs public and independent institutions of higher
education to accept and apply towards a degree program the credit
recommendation of the American Council on Education for a student’s
military experience, up to a maximum of 30 credits for a student
enrolled in the institution. The bill provides that an institute of higher education at its discretion, may accept a greater number of credits for the students military experience than the cap established under the bill. Finally, the bill provides that certain State laws pertaining to the higher education rights of students with military obligations will be enforced by the New Jersey Department of Military and Veterans Affairs and complaints concerning violations can be made to that department.