

P.L. 1997, CHAPTER 377, *approved January 19, 1998*
Senate, No. 1330 (*Third Reprint*)

1 AN ACT concerning certain students at New Jersey ¹public¹
2 institutions of higher education and supplementing chapter 62 of
3 Title 18A of the New Jersey Statutes.

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

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8 ²1. a. A student at a New Jersey public institution of higher
9 education who is unable to complete a course because the student is
10 called to partial or full mobilization for State or federal active duty as
11 a member of the National Guard or a Reserve component of the
12 Armed Forces of the United States shall be entitled to the options set
13 forth in this section with respect to the student's grade for the course.

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

16 (1) receive a letter grade; or

17 (2) receive a grade of pass or fail; or

18 (3) receive a grade of incomplete; or

19 (4) withdraw from the course.

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

22 (1) receive a grade of incomplete; or

23 (2) withdraw from the course.

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SSV committee amendments adopted September 19, 1996.

² Senate floor amendments adopted October 24, 1996.

³ Assembly AED committee amendments adopted March 3, 1997.

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

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

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

13 i. Any refund payable to a student who is a financial aid recipient
14 shall be subject ³to³ the applicable State and federal regulations
15 regarding refunds.²

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17 ²[1. A student who is a member of the New Jersey National Guard
18 or of the Reserve component of the Armed Forces of the United
19 States, and who is unable to complete a course or courses at a New
20 Jersey ¹public¹ institution of higher education because the student is
21 called to partial or full mobilization for State or federal active duty,
22 shall be entitled to receive a grade in each course for which the student
23 has completed a minimum of eight weeks' attendance and all other
24 academic requirements during that period. The grade shall be based
25 upon the work which the student had completed up to the time when
26 the student was called to active service.]²

27
28 ²[2. Any student who has not completed a minimum of eight weeks'
29 attendance and all other academic requirements during that period in
30 a course or who does not wish to receive a grade on the basis provided
31 for in section 1 of this act shall be entitled to receive: a. a grade of
32 incomplete in that course which shall remain valid for a period of one
33 year after the date on which the student returns to study at the
34 institution; b. a grade of pass/fail in that course; or c. a refund of
35 tuition and fees for that course.]²

36
37 ²[3. Any student who has paid room, board, or other fees to the
38 institution shall be entitled to a refund of the portion of those charges
39 attributable to the time period in which the facilities or services were
40 not used by the student.]²

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42 ²[4.] 2.² This act shall take effect immediately and shall apply to
43 the ¹[1995-96] ³[1996-97¹] 1997-98³ academic year and thereafter.

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3 Establishes certain rights for students attending New Jersey public

4 institutions of higher education who are mobilized for State or federal

5 active duty.