

18A:62-4.2  
**LEGISLATIVE HISTORY CHECKLIST**  
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(Students--National Guard)

NJSA: 18A:62-4.2

LAWS OF: 1997 CHAPTER: 377

BILL NO: S1330

SPONSOR(S): Bubba and others

DATE INTRODUCED: June 13, 1996

COMMITTEE: ASSEMBLY: Education  
SENATE: Senior Citizens

AMENDED DURING PASSAGE: Yes Amendments during passage denoted  
Third reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: January 12, 1998  
SENATE: November 7, 1996

DATE OF APPROVAL: January 19, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Also attached: statement,  
adopted 10-24-96

COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

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

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

4

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

7

8 <sup>2</sup>1. 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:

<sup>1</sup> Senate SSV committee amendments adopted September 19, 1996.

<sup>2</sup> Senate floor amendments adopted October 24, 1996.

<sup>3</sup> 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 <sup>3</sup>to<sup>3</sup> the applicable State and federal regulations  
15 regarding refunds.<sup>2</sup>

16

17 <sup>2</sup>[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 <sup>1</sup>public<sup>1</sup> 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.]<sup>2</sup>

27

28 <sup>2</sup>[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.]<sup>2</sup>

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37 <sup>2</sup>[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.]<sup>2</sup>

41

42 <sup>2</sup>[4.] <sup>2</sup> This act shall take effect immediately and shall apply to  
43 the <sup>1</sup>[1995-96] <sup>3</sup>[1996-97<sup>1</sup>] 1997-98<sup>3</sup> academic year and thereafter.

1

2

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.

## 1 STATEMENT

2

3 This bill provides that students who are members of the New Jersey  
4 National Guard or of the Reserve component of the Armed Forces of  
5 the United States who are called to partial or full mobilization for  
6 State or federal active duty while attending a New Jersey institution of  
7 higher education are entitled to certain options for course credit or fee  
8 refunds. Students who have been in attendance for a minimum of eight  
9 weeks shall be entitled to receive a grade in each course based upon  
10 the work completed up to the time of active service. Students who  
11 have not completed a minimum of eight weeks or do not wish to  
12 receive a grade are entitled to receive a grade of incomplete which  
13 shall remain valid for one year; a grade of pass/fail; or a refund of  
14 tuition and fees. Students who have paid room and board or other  
15 fees shall be entitled to a refund based on the amount of time the  
16 facilities or services remained unused by the student.

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21 Establishes certain rights for students attending New Jersey  
22 institutions of higher education who are mobilized for State or federal  
23 active duty.

[Passed Both Houses]

[Third Reprint]

SENATE, No. 1330

# STATE OF NEW JERSEY

INTRODUCED JUNE 13, 1996

By Senators BUBBA, GIRGENTI, Assemblymen Azzolina,  
Geist, Carroll, Malone, Cohen, Corodemus, Rocco, Roma,  
Dalton, Blee and Assemblywoman J. Smith

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

4

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

7

8 <sup>2</sup>1. 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

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:

<sup>1</sup> Senate SSV committee amendments adopted September 19, 1996.

<sup>2</sup> Senate floor amendments adopted October 24, 1996.

<sup>3</sup> Assembly AED committee amendments adopted March 3, 1997.

1 completed sufficient work, and there is sufficient evidence of progress  
2 toward meeting the requirements of the course, to justify the grade.

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

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

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

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

18 i. Any refund payable to a student who is a financial aid recipient  
19 shall be subject <sup>3</sup>to<sup>3</sup> the applicable State and federal regulations  
20 regarding refunds.<sup>2</sup>

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

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

41  
42 <sup>2</sup>[3. Any student who has paid room, board, or other fees to the  
43 institution shall be entitled to a refund of the portion of those charges  
44 attributable to the time period in which the facilities or services were  
45 not used by the student.]<sup>2</sup>



# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

[Second Reprint]

## SENATE, No. 1330

with committee amendments

# STATE OF NEW JERSEY

DATED: MARCH 3, 1997

The Assembly Education Committee reports favorably Senate Bill No. 1330 (2R) with committee amendments.

As amended by committee, this bill provides that a student at a public institution of higher education who is unable to complete a course due to the fact that he 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 shall be entitled to certain options with respect to the student's grade for the course.

Under the bill's provisions, a student who has completed at least eight weeks of attendance in a course may choose to receive a letter grade, a grade of pass or fail, or a grade of incomplete, or to withdraw from the course. A student who has completed less than eight weeks of attendance in a course may choose to receive a grade of incomplete or to withdraw from the course. A letter grade or a grade of pass will 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. A grade of incomplete would remain valid for one year after the student returns to school. A student who receives a grade of pass or fail may, within one year of returning to school, receive a letter grade for the course by completing the work required for the course. The letter grade will replace the grade of pass or fail. A student who withdraws from a course will receive a refund of tuition and fees attributable to that course. Amounts paid by a student for room, board or fees will be refunded on a pro rata basis.

The committee amended the bill to provide that its provisions would first apply to the 1997-98 academic year and to make a technical correction.

As reported by committee, this bill is identical to Assembly Bill No.2218 with committee amendments.

SENATE SENIOR CITIZENS, VETERANS' AFFAIRS AND  
AGRICULTURE COMMITTEE

STATEMENT TO

**SENATE, No. 1330**

with committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 19, 1996

The Senate Senior Citizens, Veterans' Affairs and Agriculture Committee reports favorably and with committee amendments Senate Bill No. 1330.

This bill provides that students who are members of the New Jersey National Guard or of the Reserve component of the Armed Forces of the United States who are called to partial or full mobilization for State or federal active duty while attending a New Jersey public institution of higher education are entitled to certain options for course credit or fee refunds. Students who have been in attendance for a minimum of eight weeks shall be entitled to receive a grade in each course based upon the work completed up to the time of active service. Students who have not completed a minimum of eight weeks or do not wish to receive a grade are entitled to receive a grade of incomplete which shall remain valid for one year; a grade of pass/fail; or a refund of tuition and fees. Students who have paid room and board or other fees shall be entitled to a refund based on the amount of time the facilities or services remained unused by the student.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that its provisions apply only to students attending a public institution of higher education. The amendments also provide that the bill would be applicable to the 1996-97 academic year and thereafter. As originally drafted, the bill would have applied to the 1995-96 academic year which is now past.

# STATEMENT TO

[First Reprint]

## **SENATE, No. 1330**

with Senate Floor Amendments  
(Proposed By Senator BUBBA)

ADOPTED: OCTOBER 24, 1996

These amendments provide that 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 shall be entitled to certain options with respect to the student's grade for the course. A student who has completed at least eight weeks of attendance in a course may choose to receive a letter grade, a grade of pass or fail, or a grade of incomplete or to withdraw from the course. A student who has completed less than eight weeks of attendance in a course may choose to receive a grade of incomplete or to withdraw from the course. A letter grade or a grade of pass will 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. A grade of incomplete will remain valid for one year after the student returns to school. A student who receives a grade of pass or fail may, within one year of returning to school, receive a letter grade for the course by completing the work required for the course. The letter grade will replace the grade of pass or fail. A student who withdraws from a course will receive a refund of tuition and fees attributable to that course. Amounts paid by a student for room, board or fees will be refunded on a pro rata basis.

Prior to amendment, the bill provided that: a mobilized student who completed at least eight weeks of a course would be entitled to a grade based on the work completed; and a student who completed less than eight weeks, or who did not want a grade based on the work completed, could receive an incomplete (good for one year after returning to school), a grade of pass or fail, or a refund of tuition and fees.