ASSEMBLY, No. 4471

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JULY 30, 2020

Sponsored by:
Assemblywoman JOANN DOWNEY
District 11 (Monmouth)
Assemblyman ERIC HOUGHTALING
District 11 (Monmouth)

SYNOPSIS

Limits responsibility of institutions of higher education to refund tuition for in-person instruction cancelled due to COVID-19 under certain conditions; limits additional fees institutions may charge for virtual instruction to actual additional costs.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 7/30/2020)

AN ACT concerning tuition and fees at institutions of higher education.

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

1. As used in this act:

"Qualified student expenses" means payments made by a student for on-campus student housing and a meal plan, or such payments made on behalf of a student through a student loan.

"Student tuition expenses" means payments made by a student for tuition and fees, or such payments made on behalf of a student through a student loan.

2. a. An institution of higher education shall not be required to refund student tuition expenses for an in-person course of instruction which is cancelled due to the public health emergency and state of emergency declared in response to the coronavirus disease 2019, provided that:

(1) the in-person course of instruction is instead offered in a virtual or remote format; and

(2) the institution makes a good faith effort to refund a pro rata portion of qualified student expenses that reflects the number of days between the date the institution required a student to vacate on-campus student housing and the originally scheduled end-of-occupancy date for student housing.

b. An institution of higher education that provides virtual or remote instruction due to the public health emergency and state of emergency declared in response to the coronavirus disease 2019 shall not charge a student an additional fee for the virtual or remote courses of instruction that is in excess of the institution's actual additional cost of providing the instruction.

3. This act shall take effect immediately and shall be retroactive to March 9, 2020.

STATEMENT

In response to the public health emergency presented by COVID-19, and pursuant to Executive Order 104, colleges and universities across the State cancelled in-person instruction and transitioned to virtual or remote instruction in March of 2020.

The bill provides that an institution of higher education that cancels in-person courses of instruction due to the coronavirus disease 2019 is not required to issue a refund of student tuition and

fees for that in-person instruction, provided that (1) the in-person course of instruction that is cancelled is offered instead in a virtual or remote format, and (2) the institution makes a good faith effort to refund a pro rata portion of qualified student expenses. "Qualified student expenses" is defined as payments made by a student for on-campus student housing and a meal plan, or such payments made on behalf of a student through a student loan.

The bill also prohibits an institution of higher education from charging fees for virtual or remote instruction provided due to the declaration of the COVID-19 public health emergency and state of emergency that are in excess of the institution's actual cost to provide the virtual or remote instruction.